

# TRURO CITY COUNCIL



**CITY OF TRURO**  
Roger Gazzard  
Town Clerk

*Town Clerks Department  
Municipal Buildings  
Boscawen Street  
Truro TR1 2NE  
Tel. (01872) 274766  
Fax. (01872) 225572  
[www.truro.gov.uk](http://www.truro.gov.uk)  
email: [roger@truro.gov.uk](mailto:roger@truro.gov.uk)*

August 2019

To: The Mayor (Councillor R J Smith)  
The Deputy Mayor (Cllr B Biscoe)  
The Chairman and members of the **PLANNING COMMITTEE**

Dear Councillor

NOTICE IS HEREBY GIVEN that the meeting of the **PLANNING COMMITTEE** will be held  
At **TRURO COMMUNITY LIBRARY (FIRST FLOOR TRAINING ROOM), UNION PLACE** on  
**THURSDAY 8 AUGUST 2019 at 7.00 pm** for the transaction of the under mentioned business: -

## **A G E N D A**

***Members of the public** have the right to speak at meetings of Truro City Council's Planning Committee during consideration of planning applications on Schedule 2 only, under the following conditions:*

*Registration to speak must be made in writing, complete with your full name and contact details, either via email to [info@truro.gov.uk](mailto:info@truro.gov.uk) or letter to the Municipal Buildings, no later than 5pm on the Tuesday before the Thursday meeting. One of the Planning Clerks will confirm your request as soon as possible. This confirmation does not constitute that you will be able to speak – should there be more than one person requesting to speak this will be decided amongst the speakers themselves at the meeting. If this cannot be agreed, then the first to register will be permitted to speak. Any other member of the public is welcome to come to the meeting to listen. Please be aware that Truro City Council is only a consultee and that Cornwall Council determines the outcome of all planning applications.*

1. **APOLOGIES**
2. **DISCLOSURE OR DECLARATIONS OF INTEREST**
3. **MINUTES OF THE MEETING HELD ON 4 JULY 2019 HAVING BEEN BEFORE COUNCIL ON 29 JULY 2019**
4. **PLANNING CONSULTATION**  
To consider plans submitted in accordance with planning consultation procedure: -
  - (i) Schedule 1 – Recommendation “en bloc” (Appendix 1)
  - (ii) Schedule 2 – Applications to be considered at this meeting (Appendix 2)
5. **CORNWALL COUNCIL**
  - (i) **Street Trading Review** (Appendix 3)  
Members to consider the attached Street Trading policy document from Cornwall Council and to suggest any amendments. Closing date for comments is 31 October 2019.

(ii) **Enforcements**

Members to suggest a list of questions to send to the Planning team at Cornwall Council to inform a question and answer session from Mr Alan Mason (Development Management Group Leader) that will take place at 6.30 p.m. on 5 September 2019 (prior to the planning meeting at 7.00 p.m.).

6. **CONSULTATIONS**

(i) **Modifications to the Chacewater Neighbourhood Development Plan**

Members to consider the above modifications following independent examination. The policies with alternative modifications are RE1: Community Led Renewable Energy, RE2: Wind Turbine Development, and HN3: Size and Scale. Modifications circulated prior to the email. The closing date for comments is 22 August 2019.

(ii) **Cornwall Council Ports and Harbours**

Members to consider the amended draft Harbour Revision Order from Cornwall Council. Comments to be submitted by Friday 16 August 2019. Information circulated via email prior to this meeting.

(iii) **Great Western Railway – Customer and Communities Improvement Funding**

Members to suggest a project for the Customer and Communities Improvement Fund (CCIF), for a project to be delivered between April 2020 and March 2021. Information circulated via email prior to this meeting.

7. **LANGARTH STAKEHOLDER GROUP**

Chairman to report

8. **CHAIRMAN'S REPORT**

Chairman to provide information on any developments received since the last meeting. For information only – resolutions cannot be made under this item.

9. **CORRESPONDENCE**

10. **DATE OF NEXT MEETING**

Thursday 5 September 2019. The agenda for the next Planning Committee to be held on 5 September 2019 will be prepared on Friday 30 August 2019. In accordance with Minute 302 (03.12.12), should a member wish an item to be included on this agenda please inform the Town Clerk's office by Thursday 29 August 2019 as no items other than those on the agenda can be considered at the meeting.



TOWN CLERK

# Schedule 1

## PLANNING APPLICATIONS – FOR THE MEETING OF 8 AUGUST 2019

### SCHEDULE 1 – To Receive a Single Recommendation for the Entire Schedule at the Meeting.

*If Members of the Planning Committee wish for an application to be transferred to Schedule 2, please inform the Chairman and Clerk by Thursday 1 August at 5pm for it to be included on the agenda. Please use material planning considerations only.*

*If the recommendation already states “transfer to schedule 2” there is no need to comment further on this application until the meeting.*

Application Details	Proposal	Ward	Comments from Case Officers	Recommendation from Chairman/ Vice-Chairman & Councillors
<b>PA19/05164</b> <b>Sunley Orford House,</b> <b>Furniss Close</b> <b>Mr Stephen Pittman</b> <b>Anchor Hanover Group</b>	Proposed work to replace existing timber windows with new UPVC windows	<b>Boscawen</b>	<p><b>Janice Taylor:</b> The proposal is to replace the existing windows within the premises known as Sunley Orford House. The building is used as residential flats and does not benefit from permitted development rights. Therefore, the replacement of the windows requires planning permission.</p> <p>The proposal seeks to replace the timber framed windows with white upvc, slimline double-glazed units, it is noted that the windows would have the same configuration and means of opening as existing. It is considered that the appearance of the proposed windows should look very similar to the existing windows and is likely to have limited impact on the character of the Conservation Area.</p>	Schedule 2
<b>PA19/04305</b> <b>16 Daniell Road</b> <b>Andrew and Allison</b> <b>Crisp</b>	Construction of a single storey rear extension and conversion of loft space to create additional living accommodation	<b>Redannick</b>	<p><b>Jeremy Content:</b> I have no issues with the proposal at this time. No significant impact on conservation area. The applicant has discussed with their neighbour attaching the extension to the neighbours rear extension and apparently this has been agreed. The new application form confirms that formal</p>	Schedule 2

# Schedule 1

			notice of the application has been given to the neighbour at No.18. No.18 and No.14 have been consulted so provided there is no neighbour objection the application is likely to be recommended for approval.	
<b>PA19/05621</b> <b>2 Pendrea Wood</b> <b>Mrs Nicola Hunt</b>	Works to Beech Trees T1 and T2 – reduce the crown by 1.5 metres and thin by 15% and works to Lime tree T8 – reduce the crown by 3 metres	<b>Redannick</b>	<b>Jeremey Content:</b> The works to the trees originally came in as an exceptions notice (dead and dangerous trees). The tree officer visited the site and as a result we have this TPO application which is hopefully based on his advice on site. Tree officer reconsulted and I would go with his advice.	Approval recommended subject to the Tree Officer's requirements for extent of and method permitted works, unless the Tree Officer's report indicates that the works are excessive.
<b>PA19/05589</b> <b>196A Bodmin Road</b> <b>Dr Knowles Aesthetic Solutions</b>	Single storey extension	<b>Boscawen</b>	<b>Jeremey Content:</b> Not visited the site yet, I will need to check that sufficient amenity space remains in the event that the building reverts to a dwellinghouse and parking provision will continue to work with the increase in use of the building.	Schedule 2
<b>PA19/05604</b> <b>2 Penair Crescent</b> <b>Mr David Smith</b>	To remove a branch from two of the ash trees in the back garden of 2 Penair Crescent	<b>Tregolls</b>	<b>Niamh Ashworth:</b>	Approval recommended subject to the requirements of the Tree Officer.
<b>PA19/05784</b> <b>7 William Street</b> <b>Mr Stronach Sanctuary Housing</b>	Replacement of existing windows	<b>Boscawen</b>	<b>Claire Broughton:</b> Unfortunately, I haven't looked at the application as yet but I will be sending a consultation to Historic Environment Planning.	Schedule 2 (All)
<b>PA19/05785</b> <b>7A William Street</b> <b>(As above)</b>	As above			
<b>PA19/05790</b> <b>7B William Street</b> <b>(As above)</b>	As above			

# Schedule 1

<b>PA19/05791</b> <b>8 William Street</b> <b>(As above)</b>	As above			
<b>PA19/05518</b> <b>Three Corners Road</b> <b>Mrs Melanie Bishop</b>	Reserved matters application (access, appearance, landscaping, layout and scale) following approved outline application PA17/08525 dated 9/11/17 for demolition of existing house and construction of new dwellings with variation of condition 1 (plans approved) of decision PA18/09615 dated 6.12.2018	<b>Tregolls</b>	<b>Camellia Bullingham:</b>	Approval recommended in line with recommendations for PA18/09615 dated 09 November 2018 and PA17/08525 dated 03 November 2017.
<b>PA19/05946</b> <b>Three Corners Road</b> <b>Mrs Melanie Bishop</b>	Reserved matters application of access, appearance, landscaping, layout and scale for Unit 1 following outline approval of PA17/08525 with variation of condition 1 (plans approved) of decision PA18/04589 dated 30.08.2018	<b>Tregolls</b>	<b>Camellia Bullingham:</b>	Approval recommended in line with recommendations for PA18/09615 dated 09 November 2018 and PA17/08525 dated 03 November 2017.
<b>PA19/05901</b> <b>3 Lemon Gardens</b> <b>Blue Cedar</b>	To crown raise the Beech tree	<b>Redannick</b>	<b>Claire Broughton:</b> I can't foresee any issues with the application at this stage but I'm awaiting the comments of the Tree Officer.	Approval recommended subject to the works being limited to that recommended by CC tree officer and carried out in accordance with BS 3998:2010.
<b>PA19/06003</b> <b>36 Tregolls Road</b> <b>Mr and Mrs S Sanderson</b>	Proposed double garage to the front	<b>Tregolls</b>	<b>Camellia Bullingham:</b>	Schedule 2
<b>PA19/06075</b> <b>5 Strangways Villas</b> <b>Chris Heyward</b>	One Horse chestnut tree (HT1) to be pollarded	<b>Boscawen</b>	<b>Niamh Ashworth:</b>	Schedule 2

# Schedule 1

<p><b>PA19/05929</b>  <b>50 Castle Street</b>  <b>Mr and Mrs Dewar</b></p>	<p>Single storey rear extension with flat roof and extension to existing single storey rear extension. Property is an existing class 4 HMO</p>	<p><b>Boscawen</b></p>	<p><b>James Moseley:</b> The extension doesn't look to be of concern on plan, modest and not protruding too far such as to impact neighbours – so initial thoughts are likely acceptable. Property is within a conservation area, but anticipate development restricted to rear of the plot and not prominent; this to be confirmed following site visit.</p>	<p>Schedule 2</p>
<p><b>PA19/06064</b>  <b>23 Lower Redannick</b>  <b>Mr John Viant</b></p>	<p>Replacement of conservatory with 2 storey rear extension. Replacement of roof covering.</p>	<p><b>Redannick</b></p>	<p><b>Camellia Bullingham:</b></p>	<p>Schedule 2</p>
<p><b>PA19/05099</b>  <b>Langarth Farm</b>  <b>Threemilestone</b>  <b>Cornish Pirates Ltd</b></p>	<p>Reserved matters of access, appearance, landscaping, layout and scale following outline permission PA11/06125 (Outline application for the erection of a 10,000 person stadium (D2) including ancillary office and hospitality floor space and hotel (C1) and infrastructure). This submission provides details of the access and seeks minor changes to the design of the proposal and therefore includes revised details to those approved under previous reserved matters approval (PA12/09036) in relation to layout, appearance, scale and landscaping in respect of the West and South Stands of the approved stadium only.</p>	<p><b>Kenwyn Parish</b></p>	<p><b>Matthew Doble:</b></p>	<p>Schedule 2</p>
<p><b>PA19/05695</b>  <b>36 Lamellyn Drive</b>  <b>Mr and Mrs John and Elaine Ward</b></p>	<p>Rear extensions for sitting rooms with bedrooms over, conversion of domestic garage to bedroom</p>	<p><b>Trehaverne</b></p>	<p><b>Camellia Bullingham:</b></p>	<p>Schedule 2</p>
<p><b>PA19/06056</b>  <b>21 St Georges Road</b>  <b>Mrs G Simpson</b></p>	<p>Listed building consent for minor internal alterations to allow two dwellings as approved under permission PA18/02862 to meet building regulations</p>	<p><b>Boscawen</b></p>	<p><b>James Moseley:</b> The general principle of this seems okay. However, I'll be guided by the conservation officer on the acceptability of the final details/finishes.</p>	<p>Approval recommended, subject to the works being carried out strictly in accordance with the requirements of the Conservation Officer.</p>

# Schedule 1

<p><b>PA19/05710</b>  <b>25 The Crescent</b>  <b>Mr Nathan Emmett</b></p>	<p>To construct a flat roof rear dormer and replace front pitched roof covering with photovoltaic slates.</p>	<p><b>Redannick</b></p>	<p><b>Claire Broughton:</b></p>	<p>Schedule 2</p>
<p><b>PA19/06448</b>  <b>8 Chainwalk Drive,</b>  <b>Kenwyn</b>  <b>Mrs Handle</b></p>	<p>T1 Ash tree cut back crown away from house by 2m.</p>	<p><b>Trehaverne</b></p>	<p><b>Camellia Bullingham:</b></p>	<p>Refusal recommended on the grounds there is no justification for the works or any professional assessment. If the works are to be carried out in the way indicated on the image, the result would be a semi-fastigate form, which is not a natural form for an Ash tree.</p>
<p><b>PA19/05664</b>  <b>Aspire Gymnastics Academy, Bernard Sunley Gymnasium, St Clement Street</b>  <b>Mr Philip Buddell</b></p>	<p>Extension to provide a new gymnasium and entrance.</p>	<p><b>Boscawen</b></p>	<p><b>Camellia Bullingham:</b></p>	<p>Schedule 2</p>
<p><b>PA19/04786</b>  <b>Land at Tolgarrick Farm, Green Lane</b>  <b>Mr Simon Wagemakers</b>  <b>Permission Homes</b></p>	<p>Reserved matters application for appearance, landscaping, layout and scale following outline consent PA12/07283 for a residential development of up to 320 dwellings, new highway access from Green Lane, landscaping, associated open space and infrastructure.</p>	<p><b>Redannick</b></p>	<p><b>Peter Bainbridge:</b></p>	<p>Schedule 2</p>

# Schedule 2

**PLANNING APPLICATIONS – FOR THE MEETING OF 8 AUGUST 2019**  
**SCHEDULE 2 – Applications to be considered at the Meeting.**

Application Details	Proposal	Ward	Comments from Case Officers	Recommendation from Chairman/ Vice-Chairman & Councillors
<b>(1) PA19/04305</b> <b>16 Daniell Road</b> <b>Andrew and Allison Crisp</b>	Construction of a single storey rear extension and conversion of loft space to create additional living accommodation	<b>Redannick</b>	<b>Jeremy Content:</b> I have no issues with the proposal at this time. No significant impact on conservation area. The applicant has discussed with their neighbour attaching the extension to the neighbours rear extension and apparently this has been agreed. The new application form confirms that formal notice of the application has been given to the neighbour at No.18. No.18 and No.14 have been consulted so provided there is no neighbour objection the application is likely to be recommended for approval.	
<b>(2) PA19/04786</b> <b>Land at Tolgarrick Farm, Green Lane</b> <b>Mr Simon Wagemakers</b> <b>Permission Homes</b>	Reserved matters application for appearance, landscaping, layout and scale following outline consent PA12/07283 for a residential development of up to 320 dwellings, new highway access from Green Lane, landscaping, associated open space and infrastructure.	<b>Redannick</b>	<b>Peter Bainbridge:</b>	
<b>(3) PA19/05099</b> <b>Langarth Farm</b> <b>Threemilestone</b> <b>Cornish Pirates Ltd</b>	Reserved matters of access, appearance, landscaping, layout and scale following outline permission PA11/06125 (Outline application for the erection of a 10,000 person stadium (D2) including ancillary office and hospitality floor space and hotel (C1) and infrastructure). This submission provides details of the access and seeks minor changes to the design of the proposal and therefore includes revised	<b>Kenwyn Parish</b>	<b>Matthew Doble:</b>	

# Schedule 2

	details to those approved under previous reserved matters approval (PA12/09036) in relation to layout, appearance, scale and landscaping in respect of the West and South Stands of the approved stadium only.			
<b>(4) PA19/05164 Sunley Orford House, Furniss Close Mr Stephen Pittman Anchor Hanover Group</b>	Proposed work to replace existing timber windows with new UPVC windows	<b>Boscawen</b>	<b>Janice Taylor:</b> The proposal is to replace the existing windows within the premises known as Sunley Orford House. The building is used as residential flats and does not benefit from permitted development rights. Therefore the replacement of the windows requires planning permission. The proposal seeks to replace the timber framed windows with white upvc, slimline double glazed units, it is noted that the windows would have the same configuration and means of opening as existing. It is considered that the appearance of the proposed windows should look very similar to the existing windows and is likely to have limited impact on the character of the Conservation Area.	
<b>(5) PA19/05589 196A Bodmin Road Dr Knowles Aesthetic Solutions</b>	Single storey extension	<b>Boscawen</b>	<b>Jeremy Content:</b> Not visited the site yet, I will need to check that sufficient amenity space remains in the event that the building reverts to a dwellinghouse and parking provision will continue to work with the increase in use of the building.	
<b>(6) PA19/05664 Aspire Gymnastics Academy, Bernard Sunley Gymnasium, St Clement Street Mr Philip Buddell</b>	Extension to provide a new gymnasium and entrance	<b>Boscawen</b>	<b>Camellia Bullingham:</b>	

# Schedule 2

<p>(7) PA19/05695 36 Lamellyn Drive Mr and Mrs John and Elaine Ward</p>	<p>Rear extensions for sitting rooms with bedrooms over, conversion of domestic garage to bedroom</p>	<p><b>Trehaverne</b></p>	<p><b>Camellia Bullingham:</b></p>	
<p>(8) PA19/05710 25 The Crescent Mr Nathan Emmett</p>	<p>To construct a flat roof rear dormer and replace front pitched roof covering with photovoltaic slates.</p>	<p><b>Redannick</b></p>	<p><b>Claire Broughton:</b></p>	
<p>(9) PA19/05784 (a) 7 William Street Mr Stronach Sanctuary Housing  (b) PA19/05785 7A William Street (As above)  (c) PA19/05790 7B William Street (As above)  (d) PA19/05791 8 William Street (As above)</p>	<p>Replacement of existing windows  As above  As above  As above</p>	<p><b>Boscawen</b></p>	<p><b>Claire Broughton:</b> Unfortunately, I haven't looked at the application as yet, but I will be sending a consultation to Historic Environment Planning.</p>	
<p>(10) PA19/05929 50 Castle Street Mr and Mrs Dewer</p>	<p>Single storey rear extension with flat roof and extension to existing single storey rear extension. Property is an existing class 4 HMO</p>	<p><b>Boscawen</b></p>	<p><b>James Moseley:</b> The extension doesn't look to be of concern on plan, modest and not protruding too far such as to impact neighbours – so initial thoughts are likely acceptable. Property is within a conservation area, but anticipate development restricted to rear of the plot and not prominent; this to be confirmed following site visit.</p>	
<p>(11) PA19/06003 36 Tregolls Road Mr and Mrs S Sanderson</p>	<p>Proposed double garage to front</p>	<p><b>Tregolls</b></p>	<p><b>Camellia Bullingham:</b></p>	

# Schedule 2

<b>(12) PA19/06064</b> <b>23 Lower Redannick</b> <b>Mr John Viant</b>	Replacement of conservatory with 2 storey rear extension. Replacement of roof covering.	<b>Redannick</b>	<b>Camellia Bullingham:</b>	
<b>(13) PA19/06075</b> <b>5 Strangways Villas</b> <b>Chris Heyward</b>	One Horse chestnut tree (HT1) to be pollarded	<b>Boscawen</b>	<b>Niamh Ashworth:</b>	



DRAFT REVISED

# Street Trading

Statement of Practices,  
Procedures & Policy

FOR CONSULTATION

Pre-Application Advice & Application Assistance

*Take the headache out of your licensing applications with our NEW services*

Cornwall Council’s Licensing Team now offer services to support street trading enquiries and applications.

Our aim is to assist you to ensure you only apply for the licences you need and to help mitigate any problems which may arise during the application process.

**What service is provided with the PRE-APPLICATION ADVICE?**

- ❖ We will provide advice so that you can determine which licence(s), if any, are required.
- ❖ We will provide advice to ensure you apply for the correct licence tailored to the needs of your business.
- ❖ We will provide advice on supplying the necessary information to accompany an application.

**What service is provided with the APPLICATION ASSISTANCE?**

- ❖ We will assist you with completion of the application forms.
- ❖ We will assist you with supplying the necessary information to accompany your application.

**What are the benefits to you?**

- ✓ **Save time:** applications can be delayed due to basic errors - avoid these delays by using our services.
- ✓ **Save money:** we will help ensure the process runs smoothly and we will consult with the relevant authorities as soon as your application is correctly completed.
- ✓ **Give peace of mind:** we will make sure your application is correctly completed, that you only apply for what you need and ensure your licence is fit for purpose.
- ✓ **Secure:** we will ensure your application is electronically submitted.

**How much does it cost?**

The fixed fees for this quality service include VAT, cover the cost of administration, delivery of the service and are not for profit:-

Pre-Application Advice	£40
Application Assistance	£30

Payment for [Licensing Direct](#) services is in addition to any relevant application fee (see page 14 for further information relating to fees).

Cornwall Council's Public Protection Service operate impartially and free from conflicts of interest. Businesses should be aware that it may be possible to obtain the same services as those offered by Cornwall Council Public Protection Service elsewhere. We encourage businesses to make their own investigations with alternative providers as to whether the services are available elsewhere and to obtain the best value for those services. Please note that businesses are not obligated to take up the services offered by Cornwall Council Public Protection Service.

For more information on business regulatory support services provided by Public Protection: <http://www.cornwall.gov.uk/publicprotection>

For further information or to take advantage of our [Licensing Direct](#) services please email [licensing@cornwall.gov.uk](mailto:licensing@cornwall.gov.uk) or telephone the relevant Licensing Team:-

<b>Central</b> Licensing Team Cornwall Council Chy Trevail Beacon Technology Park Bodmin PL31 2FR	Tel 01726 223433
<b>East</b> Licensing Team Cornwall Council Chy Trevail Beacon Technology Park Bodmin PL31 2FR	Tel 01208 893346
<b>West</b> Licensing Team Cornwall Council Dolcoath Avenue CAMBORNE TR14 8SX	Tel 01209 615055

If you would like this document in another format please contact:

**Cornwall Council**  
**County Hall**  
**Treyew Road**  
**Truro TR1 3AY**  
Telephone: 0300 1234 100  
Email: [enquiries@cornwall.gov.uk](mailto:enquiries@cornwall.gov.uk)  
[www.cornwall.gov.uk](http://www.cornwall.gov.uk)

**Please consider the environment. Only print this document if it cannot be sent electronically.**

## **Regulation of Street Trading**

Street trading is regulated under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

The Act provides that a Local Authority may by resolution designate any street in their area as a prohibited, licence, or consent street.

Cornwall Council's Licensing Authority adopted the legislation on 16 February 2010 and resolved that street trading in Cornwall would be regulated by way of 'consent' or 'prohibited' streets.

On 1 July 2016, the Licensing Authority designated the whole of Cornwall as a street trading 'consent' area.

The Licensing Authority regulates street trading so that they can decide where to allow street trading and can properly manage the environmental and safety implications for example, obstructions, overcrowding in streets, escape from/access to premises causing public safety issues, nuisances such as smells, noise and litter.

The Licensing Authority will review its policy at least every 3 5 years

### **Definitions**

'Street trading' means the selling or exposing or offering for sale of any article (including a living thing) in a street.

'Street' includes any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

### **Designations**

Following public consultation, Cornwall Council's Licensing Authority has designated the whole of Cornwall, being the area regulated by the Council, as a street trading 'consent' area.

This means all street trading in Cornwall requires the Licensing Authority's consent apart from the legal and policy exemptions shown below.

### **Exemptions**

Some types of trading are legally exempt from the need to obtain a Street Trading Consent, although other permissions may still be required.

**Legal Exemptions** include:-

**Pedlars**, who operate under the Pedlars Act 1871 and obtain a Pedlars Certificate from the Police, if required.

Pedlars are people who sell from place to place and cannot sell from a fixed pitch; they must move around and not wait for customers to come to them, they cannot stand in any one place for a considerable time nor can they exhort those passing to buy their goods. Pedlars can carry their goods and can use a wheeled trolley to transport them.

**Charter Markets/fairs** which are established by virtue of a grant, enactment or order – further information is available from the Licensing Service.

**News vendors/selling periodicals** e.g. Big Issue - selling or offering for sale newspapers or periodicals either with or without a stall does not require a consent, however if the stall stands on the carriageway of a street, it must be less than 1 metre in length and width, less than 2 metres high and occupy less than 0.25 square metres of ground. Stalls larger than this may require consent.

The use for **trading under the Highways Act 1980** of an object or structure placed on, in or over a highway (pavement cafes etc.)

**Trunk road picnic areas** - the operation of facilities for recreation or refreshment under the Highways Act 1980.

**Petrol Filling Stations or Shops** - where trading is carried out, e.g. on a forecourt adjoining such premises, so used as part of the business of the shop (and not by a third party), Street Trading Consent is not required from the Licensing Authority. However, any trading on the highway must not take place unless you have permission from the Highway Authority e.g. Tables and Chairs Consent.

**Roundsman** - Selling, offering or exposing for sale things as a roundsman does not require a consent. A roundsman has been defined as one who visits a 'round' of customers taking and delivering the orders of those customers.

**Charity stalls** - Street Trading Consent is not required but the charity will require a Street Collection Permit authorised by Regulations made under the Police, Factories etc. (Miscellaneous Provisions) Act 1916.

**Service Providers**, e.g. hair-braiding<sup>1</sup>, face painting and henna tattoos, etc. The Act which governs street trading relates to the selling of articles and as such, it is the Licensing Authority's view, that people who provide a service e.g. hair-braiders, are not considered to be trading for the purposes of the legislation. However, if quantities of accessories used in hair braiding are also offered for sale then this may be street trading and may require consent.

Persons providing services in the street should take care not to cause any nuisance or obstruction as this could result in the Police or another authority taking action.

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<sup>1</sup> Hair-braiding is regulated in St Ives only by way of a Byelaw – contact the West Licensing Team for further information.

## Policy Exemptions

In addition to the legal exemptions, the Licensing Authority has determined that the following are also **exempt**<sup>2</sup> from requiring a Street Trading Consent:-

- Trading at fetes, carnivals or similar community based organised and operated events (subject to permission of event organiser)
- Car boot sales on private property.
- Goods from working farms sold within the curtilage of the farm where they were produced.
- Sales of articles by residential occupiers within the curtilage of their properties or land contiguous with it, for example honesty boxes.
- Trading at approved markets/events (e.g. approved by Cornwall Council, Town or Parish Council) with permission of market/event organiser. The Licensing Service must be satisfied that the market/event has been appropriately approved and evidence of approval may be required to be produced.
- Buskers who sell recordings of their own musical performances, which is ancillary to providing street entertainment.
- Trading on beaches (subject to permission from the beach owner).
- Trading on Cornwall Council owned Public Open Spaces/Pop-Up Sites<sup>3</sup>, Car Parks, and Harbours (subject to permission from relevant service within Cornwall Council).

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<sup>2</sup> Please note, although the Licensing Authority has specified exemptions in this Policy, any concerns identified, e.g. in relation to public safety or any other matter, may be subject to further consideration by the appropriate Committee, to make the final decision as to whether the exemption applies.

In addition, although an exemption may apply, traders may still require permission from Cornwall Council or other relevant landowner(s) and/or event organiser(s) and pay a fee if required.

<sup>3</sup> As an alternative to Street Trading Consent on the highway, there may be opportunities to trade on Council-owned land at one of the Council's Pop-Up Sites; for more information see the FAQs page or email [popupsites@cornwall.gov.uk](mailto:popupsites@cornwall.gov.uk)

- Privately owned land<sup>4</sup> (subject to permission from the private land owner) which is more than 5 metres from the public highway<sup>5</sup>.
- Trading in residential areas/housing estates in a way that involves moving around (less than 20 minutes in each location) and not trading from a fixed pitch (e.g. ice-cream vans).

NB If not covered by one of the exemptions above, trading on privately owned land where the public has free access and which is less than 5 metres from designated streets, e.g. forecourts or other areas adjacent to designated streets, is **not** exempt and requires Street Trading Consent. This is to control a loophole for potential street traders to trade from privately owned areas immediately adjacent to regulated streets.

### **Motor Vehicles for sale on highway**

Vehicles for sale on the roadside and grass verges can cause significant nuisance to local residents and take up valuable car parking spaces. Furthermore, these vehicles can often be a road safety hazard causing a distraction to motorists.

Exposing vehicles for sale on a road is therefore regulated under the Clean Neighbourhoods and Environment Act 2005, and a person exposing or advertising for sale, two or more motor vehicles, parked within 500 metres of each other on a road, is committing an offence.

A 'road' is defined as any length of highway or road to which the public has access and is not restricted to public rights of way. It includes the carriageway, footpath and the verge of the highway.

A person guilty of this offence may be issued a Fixed Penalty Notice or subject to a fine of up to £2,500. The offence is targeted at businesses, and any private individual who has two or more vehicles for sale on a road must be able to demonstrate they are not acting in a business capacity.

Vehicles exposed or advertised for sale, which are not regulated by the Clean Neighbourhoods and Environment Act 2005, are therefore now controlled through this Street Trading policy. This applies to individuals and businesses; the only exemption is residential occupiers who sell their own private vehicle within the curtilage of their own residential property or adjoining land (provided there is no road safety hazard).

<sup>4</sup> Privately owned land does not include land owned by a Local Authority (i.e. Cornwall Council or Town/Parish Councils). Therefore trading on Town/Parish Council owned land requires Street Trading Consent from Cornwall Council's Licensing Authority.

<sup>5</sup> Public highway is the area over which the public has free access to pass. This includes, but is not limited to: surfaced roads, surfaced footways, cycle-ways, verges, footpaths, bridleways and byways (exact limits of highway can be clarified through Land Searches).

## **European Union Services Directive**

The European Union Services Directive 2006/123/EC (EUSD) is intended to make it easier for street traders to set up anywhere in the European Union.

In order to comply with the EUSD any prohibition on street trading authorisation must be justified by an “*overriding reason relating to the public interest*” (ORRPI).

Examples of ORRPI are public policy, public security, public safety, public health, protection of consumers, recipients of services and workers, combating fraud and the protection of the environment and the urban environment.

The refusal of a Street Trading Consent on the grounds that there are already enough traders in the street, trading from other shops, or that there are other traders selling similar products, is not compatible with the EUSD and should no longer be used as a ground for refusal.

## **Application Procedure**

Applicants must be aged 17 years or over and provide proof of evidence of right to work in the UK as part of their application. The list of acceptable documents to prove right to work is available at the following link:- *[web-link to be inserted]*.

Application forms are available from the Licensing Team on request or the Council’s website: <http://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/street-trading-licence/>

The Licensing Team also offer services to support street trading enquiries and applications through our [Licensing Direct](#) services, which include Pre-Application Advice and/or Application Assistance. Our aim is to assist you to ensure you only apply for the licences you need and to help mitigate any problems which may arise during the application process. (Please refer to page 2 of this document for more information on these services).

The application process may take up to 8 weeks, as for each application received, the Licensing Team may consult with the Police, appropriate Town/Parish Council, Cornwall Councillor(s), Chamber of Commerce, local Business Improvement District (BID), relevant services within Cornwall Council such as Highways<sup>6</sup>, Planning, Licensing Compliance, Trading Standards, Environmental Health (Environmental Protection, Health & Safety and Food Safety), Fire & Rescue Service, Public Health, Harbour Authority, Environment Service, Parking Services, Street Works and any other relevant person/body.

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<sup>6</sup> Highways England are consulted on trading on the A30 and A38 trunk road laybys

Tacit consent does not apply as it is in the public interest that applications are processed before they can be granted.

If you are intending to sell food, you should seek advice from a Food Safety Officer in the Council's Public Protection Team: <http://www.cornwall.gov.uk/health-and-social-care/food-safety/>

When considering applications, the Council will have regard to any comments that have been received as part of the consultation process and will also take into account street trading and other relevant legislation, this Policy and the Conditions.

Should valid objections be received, applicants will be notified and applications may be referred to a Hearing of the Council's Street Trading Sub-Committee for them to make a decision on the application. All parties will be invited to attend. Alternatively, if all parties reach an agreement and also agree that a full Hearing can be dispensed with, the matter may be dealt with by a Hearing by Documentation procedure without the need to attend a Hearing.

Please note applications will be refused, without the requirement for a Hearing, if the granting of a Street Trading Consent would constitute an offence under the Highways Act.

Applicants who are refused Consent will be given a formal notice of refusal, giving reasons for the decision. There is no right of appeal but the decision can be challenged by way of a Judicial Review to the High Court.

Applicants who are granted Consent will be advised and once exact trading dates and appropriate fees are agreed, a Street Trading Consent will be issued.

### **Conditions**

Standard conditions are attached to this document at Appendix 1 for information.

The Council can allow exemptions from the standard conditions within this policy where they deem it appropriate in the circumstances. Each application is considered on its merits and the Council can depart from the policy where appropriate to do so.

The Council may also attach such additional conditions as they consider reasonably necessary, including conditions to prevent any obstruction of the street or danger to persons using it, or any nuisance or annoyance to any person. The conditions may also stipulate what traders may sell, exactly where and when they may sell and the fee they must pay.

Street trading is controlled to avoid obstruction and protect public safety, for example overcrowding in streets affecting escape from and access to premises. It also prevents noise, smells and nuisance and ensures any litter from street trading is removed from the site.

A consent holder is responsible for ensuring conditions are strictly complied with at all times and may be held liable under the appropriate legislation.

Any contravention of conditions may lead to revocation or non-renewal of the Street Trading Consent and/or prosecution.

In addition, an individual trader working under the benefit of a consent holder's Street Trading Consent may be individually liable under the appropriate legislation.

A Street Trading Consent can be revoked at any time.

### **Single-use/non-recyclable plastic**

Waste and recycling is a major concern with single use plastics creating unnecessary waste with negative impacts on our communities. Cornwall Council encourages a culture that supports the environment by reducing waste and utilising reusable and recyclable products. Traders are therefore encouraged to move away from using single-use/non-recyclable plastic.

### **Renewals**

Street Trading Consents will be issued for a maximum period of 12 months or up to the end of the current year. Shorter term Consents may also be issued on a daily, weekly or monthly basis.

Subject to no substantiated complaints being received regarding the manner in which traders conduct their business, priority will be given to existing traders renewing Street Trading Consents.

Street Trading Consents are renewable annually before 31 December for the following year.

### **Reviews**

The Council may review a Street Trading Consent if there are concerns or complaints after a Street Trading Consent has been granted. Consent holders will be notified and there may be a referral to a Hearing of the Council's Street Trading Sub-Committee for them to review the Consent. The Committee may take no action or they may issue a warning, vary the consent, amend conditions or revoke the Consent.

## **Fees & Charges**

The licence 'Application Fee' must be received before your application can be processed. Payment should be made by debit or credit card.

Please note, if an application is formally refused (by officers under delegated authority or the Street Trading Sub-Committee) the application fee will be refunded.

If the application is approved, additional 'Trading Fees' are payable depending on number of days and months trading takes place. The Licensing Authority may agree that trading fees are paid by instalments, and if so, these must be paid in advance of trading and at least before the month of trading. Failure to do so may incur an additional fee.

For more information, including the schedule of fees, please refer to Appendix 2 (page 14) of this document.

## **Offences and Penalties**

It is an offence to trade in a designated Consent street without having first obtained Consent, to breach certain conditions attached to a Consent or to make a false statement. Any person found guilty of these offences can be fined for each offence (level 3 on the standard scale).

The enforcement policy for Public Protection can be obtained from the Licensing Compliance Team (telephone 0300 1234 212) or is available on the Council's website at the following link:-

<http://www.cornwall.gov.uk/media/7465019/2013enforcementpolicyamended.pdf>

## **Further Information**

Cornwall Council's Licensing Direct services:-

<http://www.publicprotectioncornwall.co.uk/services/business-advice/licensing-direct/>

Information and details of how to apply for Street Trading Consent are available on the Council's website:-

<http://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/street-trading-licence/>

Cornwall Council's Business Regulatory Support Service:-

<http://www.publicprotectioncornwall.co.uk/services/>

Local Government (Miscellaneous Provisions Act 1982 – Schedule 4:-

<http://www.legislation.gov.uk/ukpga/1982/30/schedule/4>

European Union Services Directive:-

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006L0123:EN:HTML>

Licensing Act 2003 – alcohol and late night refreshment information:-

<http://www.cornwall.gov.uk/advice-and-benefits/licences-and-street-trading/alcohol-and-entertainment-licence/>

Food Registration:-

<http://www.cornwall.gov.uk/health-and-social-care/food-safety/>

Health matters: obesity and the food environment:-

<https://www.gov.uk/government/publications/health-matters-obesity-and-the-food-environment/health-matters-obesity-and-the-food-environment--2>

Healthy Eating:-

<https://www.healthycornwall.org.uk/>

Roads, Highways and Pavements:-

<http://www.cornwall.gov.uk/transport-and-streets/roads-highways-and-pavements/>

Clean Neighbourhoods and Environment Act 2005 – Offence of exposing vehicles for sale on a road:-

<http://www.legislation.gov.uk/ukpga/2005/16/section/3>

Cornwall Council Public Open Spaces – Pop-up Sites:-

<https://www.cornwall.gov.uk/environment-and-planning/parks-and-open-spaces/pop-up-sites/>

Highways England:-

<https://www.gov.uk/government/organisations/highways-england>

## **Disclaimer**

The content of this document is provided as a statement of practices, procedures and policies in relation to street trading in Cornwall. It is not a full and authoritative statement of the law and is not issued as legal advice or intended to provide legal advice. The purpose of the document is to provide useful information in relation to the licensing of street trading in Cornwall. You should obtain your own independent legal advice where appropriate.

**Street Trading Consent Conditions**

1. This consent shall not be assigned, transferred or sub-let to any other person, firm or organisation.
2. Any employee of the consent holder should have written authorisation of the consent holder confirming his employment status, which should be produced on demand to an authorised officer of Cornwall Council or a Police Officer.
3. A copy of this consent must be displayed on the stall/vehicle (N.B. The consent holder's home address can be blanked out if required on the display copy).
4. \*Any motor vehicle from which trading is permitted to take place shall be in a roadworthy condition and shall at all times be taxed, tested and insured, and a driver holding a full driving licence for the class of vehicle being used must be available within a reasonable period in the event that the vehicle is required to be moved.
5. Upon application the full details of any stall/vehicle shall be provided by the applicant to the Licensing Authority. Any change in the said stall/vehicle during the said licensing period shall be notified to the Licensing Authority in writing prior to any change in stall/vehicle being made.
6. The consent holder shall not contravene any Order made under the Road Traffic Regulations Act or the Town & Country Planning Acts and shall also comply with the provisions of the Highways Acts and any other relevant legislation.
7. \*The consent holder must at all times comply in full with all relevant food hygiene legislation.
8. It is the responsibility of each individual street trader to ensure that all waste is disposed of in appropriate manner; i.e. liquid, oil, fat & food waste must not be disposed of in the street or into a public drain (storm or foul).
9. Where there is the need for power for the stall/vehicle they are operating and there is no alternative to supply power, other than a generator, then permission must be sought from Cornwall Council's Public Protection Team prior to the use of any such generator with the make, model and technical specifications being agreed by the Cornwall Council's Public Protection Team.
10. Prior to any mobile food business commencing operation the food operator should agree the proposed location and type of food and beverage with Cornwall Council's Public Protection Team.
11. The Consent Holder must stop music/noise making equipment or reduce volume to a specified level when requested to do so by an authorised Cornwall Council Officer.

12. The consent holder must possess for the purposes of trading, sufficient public liability insurance cover and produce it to an authorised Officer of Cornwall Council or a Police Officer, upon request. The minimum sum insured must be £10,000,000.
13. The consent holder must keep any stall/vehicle from which trading takes place together with the immediate vicinity of the stall/vehicle, in a clean and tidy condition and where required, the consent holder must provide sufficient litter bin(s) for use by customers.
14. Advertisements must not cause any danger, obstruction, nuisance or offence to customers or persons in the vicinity of the consent holders stall/vehicle.
15. This Street Trading Consent does not give any permission to any person or body to place posters, signs or any other advertising material within highway limits, or on street lighting columns, traffic signs and other street furniture. Street traders are advised that any material should not be sited or displayed in a manner which obscures any highway sign or creates a safety risk, hazard or obstruction to the use of the highway. Any material erected in contravention of these requirements is liable to be removed by the Highway Authority.
16. Any stall/vehicle used for the purposes of street trading shall not remain on site outside the hours stated on the consent.
17. The consent holder shall not cause any obstruction to persons using the public highway or wishing to enter the site upon which they are trading.
18. The consent holder shall not cause any obstruction or nuisance to persons using private or business premises.
19. The consent holder shall only use one mobile stall/vehicle for the purposes of street trading on each site, which must not exceed the size agreed in writing by the licensing authority.
20. The consent holder shall supply a copy of these street trading conditions to every person engaged in street trading on their behalf. For the avoidance of doubt, these street trading conditions will apply to a person engaged in street trading on behalf of the consent holder to the same extent as they apply to the consent holder.
21. The consent holder and any other persons engaged in street trading shall at all times offer full co-operation to an authorised officer of the council in their task of ensuring compliance with the above conditions.

\* *where applicable*

<b>Licensing Direct Services</b>	
<b>Pre-Application Advice</b>	<b>£40</b> (including VAT)
<b>Application Assistance</b>	<b>£30</b> (including VAT)

<b>Application Fees</b>		
<b>New</b>	<b>£150</b>	If applying for more than one location for the same unit/stall/vehicle, additional <b>£40</b> payable for each location being applied for.
<b>Renewal</b>	<b>£85</b>	If applying for more than one location for the same unit/stall/vehicle, additional <b>£40</b> payable for each location being applied for.
<b>Variation</b>	<b>£85</b>	If applying for more than one location for the same unit/stall/vehicle, additional <b>£40</b> payable for each location being applied for.

<b>Trading Fees</b>	
Additional fee payable if application approved, depending on how many days of the week trading takes place and how many calendar months, as follows:-	
Occasional	<del>£5</del> <b>£10</b> per day
<b>1</b> day a week	<b>£40</b> per month
<b>2</b> days a week	<b>£50</b> per month
<b>3</b> days a week	<b>£60</b> per month
<b>4</b> days a week	<b>£70</b> per month
<b>5</b> days a week	<b>£80</b> per month
<b>6</b> days a week	<b>£90</b> per month
<b>7</b> days a week	<b>£100</b> per month
<p>5% discount given on trading fees for 9+ months trading and 10% discount given on trading fees for 12 months trading of the total monthly fee payable.                      Please note discounts do not apply if paying by instalments.                      Please also note, if paying by instalments, and payment is overdue by more than 28 days, an additional <b>£10</b> is payable to cover administrative costs.                      NB Additional charge of £5 per day for any trader wishing to operate prior to the start of the 1<sup>st</sup> whole trading month.</p>	