



Licensing Policy

**Street Trading and
Collections Policy**

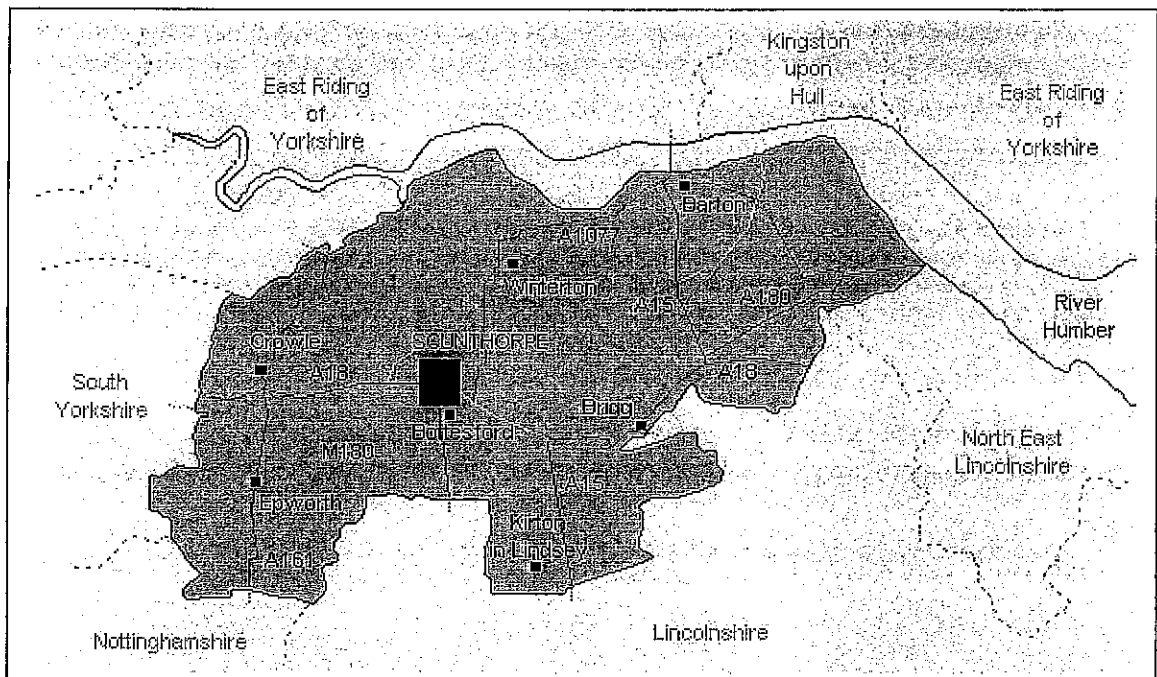
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Introduction

1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2001 Census gave the population of North Lincolnshire as 152,849. Of these, 69,321 live in Scunthorpe, Bottesford and Ashby. Another 9,485 live in Barton upon Humber, and 5,076 in Brigg. The other 68,967 people live in the rural areas.
- (3) Below is a map of the area.



2 General Information

- (1) The aim of this policy is to prevent obstruction of the streets of North Lincolnshire and ensure the safety of persons using them. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.

3 Consultation

- (1) In determining this licensing policy, the Council has consulted the following people and bodies:

- Chief Constable of Humberside Police
 - North Lincolnshire Tourism
 - Town & Parish Councils
 - Charitable Organisations
 - Consent Holders
 - Scunthorpe Charter Trustees
- (2) We have also consulted various other professional people within the council. These include:
- Communities and Environment
 - Waste Management
 - Legal Services
 - Town Centre Manager
 - Property Services
 - Highways
 - Leader of Conservative Group
 - Leader of Labour Group
 - Chair of Licensing Committee
 - Cabinet Member for Neighbourhood, Environmental and Communities
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

4 Review of the Policy

- (1) This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time.

5 Contacts

- (1) The licensing function is part of Neighbourhood and Environmental Services. Our address is:

Licensing Division
 Church Square House
 PO Box 42
 Scunthorpe
 North Lincolnshire
 DN15 6XQ

- (2) To ask about any licensing issue, first contact the Licensing Division on (01724) 297550/297592 or visit our website: www.northlincs.gov.uk, or via email on licensing@northlincs.gov.uk

Part 1 – Street Trading

Introduction

This part of the Licensing Policy sets out how we will deal with applications for Street Trading Consents in North Lincolnshire.

It also highlights the council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies. Where applicants need to have regard to other legal requirements, then the Licensing Authority will aim to "signpost" applicants to the relevant organisation.

The Council aims to provide a consistent licensing service-to-service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.

Street Trading

6 Statutory Requirements for Street Trading

- (1) Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- (2) The Council adopted this schedule on 1 April 2000. As a result, all streets within North Lincolnshire are designated as Consent Streets. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a Street Trading Consent.
- (3) The Act defines street trading as "the selling or exposing or offering for sale of any article (including a living thing) in a street". For the purpose of the Act, a 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.
- (4) Further to the statutory definition, North Lincolnshire Council has determined that trading within a distance of 7 metres of the areas defined in **paragraph 6(3)** is also deemed to be Street Trading.
- (5) There are additional requirements where a trader is conducting their business from private land. Please refer to **paragraph 25**.
- (6) There are exemptions from requiring a consent to trade on a street. Please refer to **paragraph 7**.

7 Exemptions from Street Trading

- (1) The Act makes certain activities exempt from the requirement to hold a consent. These are:
 - (a) Pedlars acting under the Pedlars Act 1871 - please refer to paragraph 29
 - (b) Anything done within a statutory/charter market or fair – please refer to paragraph 16.
 - (c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - (d) News vendors selling only newspapers or periodicals
 - (e) Petrol filling stations
 - (f) Shops forecourts
 - (g) Roundsmen (as they have defined customers, defined routes)
 - (h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
 - (i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
 - (j) Street collections

8 The Licensing Process & Delegation of Functions

- (1) North Lincolnshire Council's Licensing Committee is made up of 15 members of the Council. Applications for street trading consents are delegated to either the Licensing (Miscellaneous) Sub-Committee or to the Service Director Neighbourhood & Environment.
- (2) Delegation will be as follows:

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for a Street Trading Consent		If a representation is made	If no representation is made
Application for a Street Trading Consent in the Pedestrian Area		If a representation is made	If no representation is made
Application for a Street Trading Consent for a Special Event		If a representation is made	If no representation is made
Application for a second Street Trading Consent in one location		All cases	
Application for a Street Trading Consent where there is an objection on the grounds of Road Safety or where Street Trading is prohibited by other legislation.		Appeal against a refusal by the Licensing Manager or Principal Licensing and Mediation Officer on the grounds of Road Safety	Delegation to Licensing Manager and Principal Licensing and Mediation Officer in their absence
Review of Policy & Conditions	In all cases		

- (3) All matters of policy will be dealt with by the Licensing Committee, including updates and amendments to this Policy.
- (4) Where an application is referred to the Licensing (Miscellaneous) Sub-Committee, it will be determined on its own merits. Members of the Sub-Committee will consider all information attached to the application.

9 Notification on Applications for Consents

- (1) It is our policy to carry out a consultation with relevant parties. They have 21 days to make representations in writing to the Licensing Division.
- (2) When we receive an application for a Street Trading Consent we will consult Humberside Police and North Lincolnshire Council's Highways Department on Road Safety issues.

- (3) We may also notify the following bodies, if considered appropriate in the circumstances:
 - a) North Lincolnshire Council – Communities & Environment *Food & Safety
 - b) North Lincolnshire Council – Waste Management
 - c) North Lincolnshire Council – Planning
 - d) North Lincolnshire Council – Property Services
 - e) North Lincolnshire Council – Town Centre Management
- (4) In addition to notifying the aforementioned Council departments, will also notify relevant ward and parish councillors when an application is received.
- (5) The onus is on the applicant to research the proposed trading site, ie planning permission, legal right to trade, food and safety, waste, highways restrictions, etc. Applications will be processed with the assumption that this has been undertaken.

10 Grants

- (1) Street Trading Consents are issued for a period of up to one year. Consents are issued to the trader, therefore should a consent holder lease the business to another, the existing consent must be surrendered and a new consent must be applied for by the new trader.
- (2) Traders may employ another person to assist him in his trading without the need for a further consent being required. This employee must not be under the age of 17 years.
- (3) Where an incomplete application has been received, then the application will be rejected.

11 Static Traders

- (1) Where an applicant wishes to trade from a static location, then the application shall be accompanied by a plan of the proposed trading site.
- (2) Street Traders should hold appropriate public liability insurance. The applicant will be required to produce an original certificate of insurance for public liability before a street trading consent will be granted.
- (3) The applicant will be required to pay the appropriate fee at the time the application is made.

12 Itinerant Traders

- (1) Persons wishing to trade as Itinerant street traders will need to hold the appropriate public liability and motor insurance. The applicant will be

required to produce a copy of these certificates before a street trading consent is granted.

- (2) The applicant will be required to pay the appropriate fee at the time the application is made.

13 Renewals

- (1) Those traders who pay on a quarterly basis that have a history of late or non-payment of quarterly fees will be issued a consent equivalent to the payments received.
- (2) Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, we may consult further to determine if the street trader is a cause for concern.

14 Representations

- (1) Where a representation has been made, the application will be presented before an assessment board of three Licensing Officers for consideration.
- (2) In the event that the assessment board finds that the representations are relevant, the application will be put to the Licensing (Miscellaneous) Sub-Committee for determination.

15 More Than One Trader in a Location

- (1) We will normally only allow one trader to hold a consent in a specific location, unless the second applicant wishes to trade in a different commodity. Therefore, we would only consider having one hot food trader in one location but would consider having a cold/non food trader, etc.
- (2) The exception to this rule is where a special event is arranged and there will be more than one trader covered by the relevant consent.

16 Special Events

- (1) At special events, we will issue one collective consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. This applies to all traders except those selling food.
- (2) We will issue a single consent, which will cover a number of traders. The number of traders covered is as follows:

Category 1 – Up to 10 traders

Category 2 – Between 11 and 19 traders

Category 3 – Over 20 traders

- (3) Traders wishing to sell hot or cold food for immediate consumption are required to apply for an individual consent, however this should be applied for through the event organiser. The reason that traders for food are not included is due to the potential risk to public safety. Each notice of the application will be forwarded to the Food and Safety Section within Communities and Environment for their consideration, before a consent can be issued.

17 Special Events (Charitable)

- (1) Where an event is organised by a registered charity, the fee for the charitable traders shall be waived. Any commercial/food traders shall be licensed in accordance with **paragraph 20**.

18 Trading on Pedestrian Areas (Scunthorpe)

- (1) Although the pedestrian areas of Scunthorpe and Brigg are consent streets, trading is not normally authorised. Trading in these areas will be restricted in accordance with this section of the policy.
- (2) Without prejudice to paragraph 18(1), we will work in partnership with the Town Centre Management and specifically the Foundry and Parishes. The management of these areas will be permitted to apply for consents. The Foundry Manager will be able to apply for a consent within their area and on Cole Street. The Parishes Management will be able to apply for consents in Jubilee Way and Cole Street. The areas concerned are included in Appendices B and C, as are the number of permissible sites.
- (3) The size and design of any structure used within this area shall be approved by the Licensing Authority. This shall be delegated to the Licensing Manager.
- (4) There shall be no restriction on the days on which trading may take place.
- (5) Any person wishing to trade from this area will be directed to talk to the appropriate centre manager. In order to ensure that traders complement the shopping experience, the said managers will be responsible for the commodities offered for sale.
- (6) The consent holder or their agent shall ensure that the vicinity of the stall is kept clean and tidy.

19 Road Safety

- (1) One of the roles of the Licensing Authority is to ensure the safety of the public within North Lincolnshire. Therefore, where an objection is

received from either Humberside Police or the Council's Highways Department on the grounds of Road Safety the application will normally be refused under delegated powers in accordance with the table at **paragraph 8**.

20 Decisions

- (1) Applications will be determined in accordance with the scheme of delegation detailed in paragraph 8 of this policy.
- (2) Where an application is referred to the Licensing (Miscellaneous) Sub-Committee, then the applicant will be invited to attend the hearing. All parties will be given details as to why the application has been referred. The applicant will have an opportunity to speak at the hearing. Each application will be taken on its own merits.
- (3) Where no relevant concerns have been raised, the Licensing Officer may grant the application.
- (4) The Sub-Committee will notify the applicant and any objectors of the decision and the reasons for the said decision at the end of the hearing. The Licensing Division will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing.

21 Appeals

- (1) There is no statutory right of appeal against the refusal to issue a Street Trading Consent. However, where an application is refused by an Officer on the grounds of Road Safety, the applicant shall have 21 days to appeal to the Licensing (Miscellaneous) Sub-Committee. Such appeals shall be made in writing to the Licensing Authority.

22 Markets or Fairs

- (1) Statutory markets, or markets and fairs granted by charter, are exempt from requiring a consent.
- (2) The weekly markets held in Scunthorpe and Ashby are statutory markets controlled by North Lincolnshire Council. Brigg market is a charter market. They are exempt from the provisions of the Act.
- (3) The onus is on the applicant or event organiser to research that a charter is in place for the event, and that it is still valid to this day, and to provide evidence of the charter. Failure to do so may result in street trading consents being required.

23 Conditions

- (1) We have adopted conditions relating to Street Trading. These conditions are attached to this policy as Appendix A.

24 Planning Permission and Land Owners Permission

- (1) Where a Consent holder needs planning permission, the onus is on the applicant to obtain any necessary planning permission and permission to trade from the landowner. We will inform the Council's Development Control Section of any application that we receive to trade on private land.

25 Licensing Act 2003

- (1) In addition to the requirement of having a street trading consent, applicants who sell hot food or drink between 11.00 pm and 5.00 am will need a premises licence under the Licensing Act 2003, or a Temporary Events Notice
- (2) Any street trading where there is a retail sale of alcohol, will also require a premises licence or a Temporary Events Notice.

Part 2 – Charitable Collections

Introduction

This part of the Policy sets out how we will deal with charitable organisations that wish to collect monies and/or goods for charity.

26 Legislation

- (1) Street Collections are covered by regulations made under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by section 251, schedule 29 of the Local Government Act 1972. Anyone wishing to collect money on a street or public place as defined in the Act must obtain a permit from the Council.
- (2) House to House Collections require to be licensed by the Council under the House to House Collections Act 1939. This Act only covers Charitable Collections and not companies collecting for profit. Companies collecting for profit should identify that they are not charitable on their bags or leaflets. If we receive complaints about companies collecting for profit, we will notify the Council's Trading Standards Division.

27 Authorisation of Collections

- (1) Permits will be issued by officers in the Licensing Division. We will refer to this policy when making our decision.

28 Consultation on Applications

- (1) We will include all street collections and house to house collections in an electronic calendar. This information is available to other responsible bodies in the council, including Highways and Town Centre Management. An paper diary is also retained within the Licensing Division.
- (2) We will notify Highways where the application for a street collection includes placing a structure or vehicle on the highway.

29 Number of Permitted Collections

- (1) We will have a co-ordinated approach to how many street collections and other such activities we will allow in any one area. The Licensing Authority will only normally permit two collections in any one area per week.
- (2) Of these two collections, only one will be permitted on either a Friday or a Saturday and only one will be a direct debit collection.

30 Advance Bookings for Street Collections and Direct Debit Collections

- (1) Where we receive an application for multiple collections, we will only permit collections one day per month. Such applications tend to be made for block collections for an area, which would exclude other collectors being in the area.
- (2) Collectors for direct debit collections will be restricted to 3 persons per activity. Permission shall be sought and approved by the Licensing Division via application in writing.

31 Touting

- (1) North Lincolnshire Councils Byelaws for Good Rule and Government, are made under Section 235 of the Local Government Act 1972, for the prevention and suppression of nuisances, including touting.
- (2) Byelaw 17 prevents persons permitted to collect on the street from touting for business so as to cause annoyance or obstruction to members of the public. Where an annoyance is caused, traders or collectors will be asked to cease touting and/or asked to stop the collection and leave the area.
- (3) Commercial activities shall be permitted only if the activity is for the benefit of the general public. Each application shall be dealt with individually and on its own merits. Permission shall be sought and approved by the Licensing Division via application in writing.

Part 3 – Other Activities

Introduction

There are a number of other activities that take place in the streets of North Lincolnshire, predominately in the pedestrian areas of Scunthorpe Town Centre, that cannot be controlled by licence.

32 Petitions

- (1) People or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups. Every person enjoys the right to freedom of speech and we will only take action if we receive complaints about disorder or threat to public safety. In such cases we will notify the police.

33 Awareness

- (1) People, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets.

34 Market Research

- (1) This type of activity includes mail order companies, insurance companies and national questionnaires. These companies are normally run for profit.

35 Pedlars

- (1) They are required to hold a certificate issued by the Police Force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made. [see paragraph 14]

36 Markets

- (1) Please refer to paragraph 23 of this Policy.

37 Busking

- (1) If a busker or a group of buskers act in such a way as to cause a nuisance to passers by, then we will ask them to cease and leave the area. Such action would be taken in accordance with the Byelaw 13 of the Good Rule and Government Byelaws made under section 235 of the Local Government Act 1972.
- (2) We may call for assistance from Humberside Police and the CCTV control centre when dealing with such issues.

38 Political Speeches/Demonstrations

- (1) Further to paragraph 33, nothing in this policy shall seek to restrict freedom of speech or the right to hold a lawful demonstration.

39 Use of the Highway

- (1) Should any person wish to use any structure on the highway, such as a table or A-frame, then they must ensure that they have the appropriate permission from the Highways Authority.

Part 4 – Enforcement

Introduction

This section of the Licensing Policy details the council's commitment to enforcing the provisions contained within the appropriate legislation.

It also highlights the council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

40 Enforcement

- (1) The Licensing Division aims to work closely with other enforcement authorities when dealing with issues on the street.
- (2) Where licensable activities are conducted without the benefit of a licence, will look to gather evidence and take enforcement action as appropriate.
- (3) If we feel that there is an issue of public order or threat to public safety in any particular instance, we will call for assistance from Humberside Police.
- (4) We may call for assistance from the CCTV control centre when dealing with such issues.
- (5) We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area in accordance with the Byelaws under section 235 of the Local Government Act 1972.
- (6) When enforcing the activities included in this policy, we will have regard to the Licensing Enforcement Policy and the Neighbourhood and Environmental Services Enforcement Policy.

Glossary of Terms

- "Council" means North Lincolnshire Council
- "Sub-Committee" - means the Licensing (Miscellaneous) Sub- Committee
- "Statutory Provisions" - means any primary or secondary legislation enacted by Parliament

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**STREET TRADING CONSENT CONDITIONS**

Conditions applicable to Street Trading Consent:

1. Definitions

(i) 'street' includes –

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

(ii) also includes any forecourt, road, footway or other area adjacent to a street [as defined above] for a distance of 7 metres.

(iii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a street;

2. No trading to which the attached consent relates shall take place except:

(i) Between the dates of:

The operational hours shall be:

- Between the hours of am and on Mondays
- Between the hours of am and on Tuesdays
- Between the hours of am and on Wednesdays
- Between the hours of am and on Thursdays
- Between the hours of am and on Fridays
- Between the hours of am and on Saturdays
- Between the hours of am and on Sundays

(ii) Special conditions as respects this paragraph:

3. The street trading consent relates to the following area/site only:

4. The street trading consent relates to the following vehicle/premises only:

5. Where appropriate the holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.

6. Itinerant Street Traders, i.e., those who move from place to place shall not remain in any one street or location for more than [30/60/120*] minutes/hours.
*Delete as applicable.

7. Where appropriate the holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.

8. The street trading consent holder shall only trade from a stall or vehicle approved by the Council in writing.
9. WC facilities must be made available for staff and members of the public, if seating is made available for consumption of food on site.
9. The street trading consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
10. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
11. The consent holder shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) be kept free of litter and refuse at all times whilst resident.
12. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
13. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
14. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required.
15. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, without approval from the Highways Authority.
16. All L.P.G. installations shall be installed and operated to comply with appropriate legislation.
17. All persons selling food shall in addition comply with the appropriate Food Safety Legislation.
18. The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.
19. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises.

20. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
21. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent

No English?

For information please call:

08000 193530 (Arabic) الحصول على المزيد من المعلومات اتصل بـ

০৪০০০ ১৯৩৫৩১ (Bengali) সবচেয়ে বারমত জানতে হবে এই কল করতে: ০৪০০০ ১৯৩৫৩১

欲知粵語版的消息，請致電：08000 193532 (Cantonese)

हिन्दी में जानकारी के लिये 08000 193533 पर फोन करें (Hindi)

08000 193537 (Kurdish Sorani) هه زانیاری بۆ زانیاری ئه زانیاری بۆ زانیاری

Para mais informação em português contacte-nos através do telefone 08000 193538 (Portuguese)

ਪੰਜਾਬੀ ਵਿਚ ਜਾਣਕਾਰੀ ਲਈ 08000 193539 'ਤੇ ਫੋਨ ਕਰੋ (Punjabi)

"Warbixinta oo af Soomaali ah waa 08000 193540" (Somali)

08000 193541 (Urdu) ہندوستان کے لیے اس سروس کے لیے رابطہ کریں۔

Nie mówisz po angielsku? Po informacje zadzwoń pod numer 08000 195587 (Polish)

Не знаете английский? Для информации звоните 08000 195586 (Russian)

For information in large print, audio, Braille or to request a signer to speak to us please contact 01724 296296