

NORTH LINCOLNSHIRE COUNCIL

LICENSING COMMITTEE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND
HIGHWAYS ACT 1980- STREET TRADING, COLLECTIONS AND
AUTHORISATIONS POLICY**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the Street Trading, Activities and Collections Policy for following consultation. A copy of the draft reviewed policy is at Appendix A to this report.
- 1.2 That the policy be agreed and referred to council for approval.

2. BACKGROUND INFORMATION

- 2.1 Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2 The current Policy was approved by this Committee in February 2010. Since then a number of streets in Scunthorpe and Brigg have been re-designated from consent streets to licence streets. Further, authorisations through the Highways Act 1980 have been added to the policy.
- 2.3 The Licensing Team has been approached by the Town Centre Management Team asking for a review of the Street Trading, Activities and Collections Policy to include additional restrictions- allowing street trading and authorised activities to be contained to designated areas of the High Street.
- 2.4 In addition- it has been requested that authorisations under the Highways Act 1980 be added to the policy. These authorisations will cover the production of income (tables & chairs and other activities) and provision of information. It is proposed that no charge be made for businesses wishing for tables and chairs to be placed on the highway and that a charge be made of £10.00 per day be made for other activities. Where the activities are in the public interest or charitable it

is proposed that the Licensing Manager be given delegated authority to waive the fee subject to evidence being provided.

- 2.5 The reviewed policy is attached as Appendix A to this report.
- 2.6 Consultation has been carried out with interested parties. A number of responses were received- which are included as Appendix B to this report.

3. OPTIONS FOR CONSIDERATION

- 3.1 Option 1 – To approve the policy.
- 3.2 Option 2 – To revise the policy prior to approval.
- 3.3 Option 3 – To reject the policy.

4. ANALYSIS OF OPTIONS

4.1 Option 1 – In line with the process normally carried out when determining Licensing Policies, a working group was set up with relevant parties and a reviewed policy has now been brought back to the Licensing Committee.

4.1.1 A number of written representations were received following the consultation. These representations have been included as Appendix B and the Policy has been amended to reflect the representations where deemed appropriate.

4.1.2 The amendments to the current policy may assist in regenerating areas of the North Lincolnshire economy and are supported by the Town Centre Management Team.

4.2 Option 2 – The Licensing Committee has the opportunity to consider the policy and make any changes it deems fit before it is approved by Council.

4.3 Option 3 – A rejection of the revised policy would undermine the consultation work carried out to resolve street trading issues in North Lincolnshire.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Should the policy be agreed it will be reviewed in line with other statutory policies on a 3 yearly cycle.

6. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

6.1 Statutory

The Local Government (Miscellaneous Provisions) Act 1982 and the Highways Act 1980 are the principal pieces of legislation.

6.2 Environmental and Other

6.2.1 There are no environmental or other implications arising from this report.

6.3 A diversity Impact assessment has been carried out and will be available at the Committee meeting.

7. **OUTCOMES OF CONSULTATION**

7.1 Consultation was carried out for a number of consecutive weeks. The written comments have been considered and incorporated into the revised policy at Appendix A.

8. **RECOMMENDATIONS**

8.1 That the reviewed policy be agreed and recommended for approval by council.

DIRECTOR OF PLACES

Civic Centre
SCUNTHORPE
North Lincolnshire
DN16 1AB

Author: Nick Bramhill
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Background Papers used in the preparation of this report – Street Trading, Activities and Collections Policy



Licensing Policy

Street Trading, Activities and Collections Policy

(DRAFT April 2012September 2012 – Version 67)

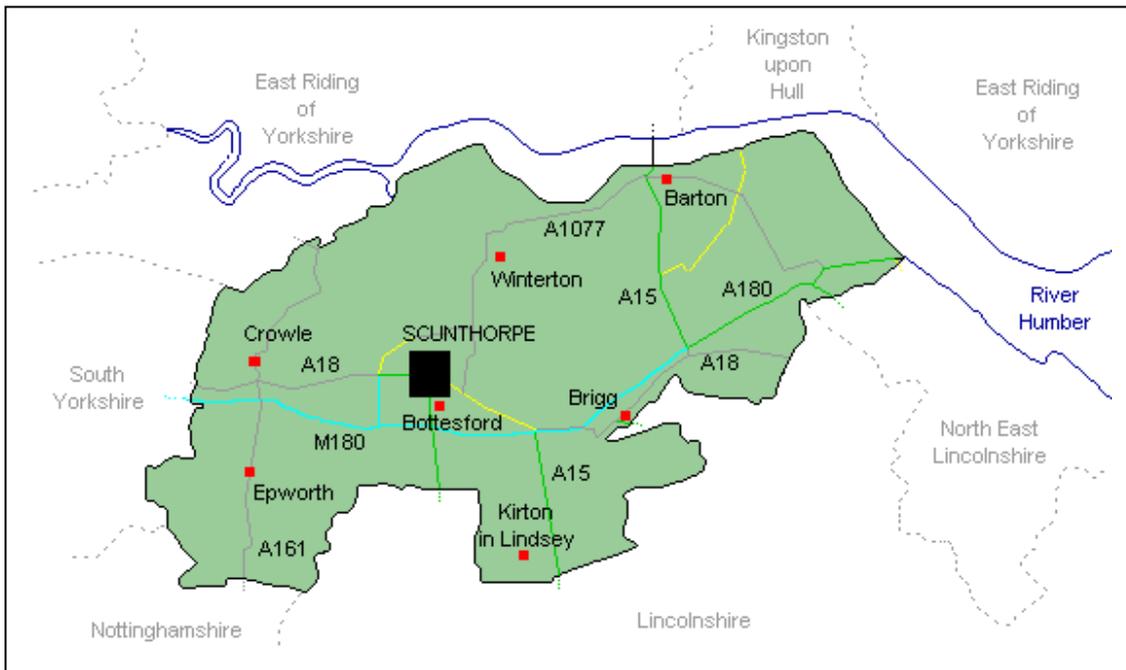
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Introduction

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 ~~2001-2011~~ Census gave the population of North Lincolnshire as ~~152,849~~167,400. ~~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.

- (2) This policy will guide the licensing authority when it considers applications. Such applications cover:
- Street Trading
 - Charitable Collections
 - House to House Collections

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
 - Federation of Small Businesses
 - Local Businesses (Scunthorpe & Brigg Town Centres)
 - Managers of the Parishes and Foundry
- (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 Highways and Neighbourhoods
- (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~~
~~Places Directorate Services~~. Our address is:

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

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

Part 1 – Licensing Principles, Process and Delegation

Introduction

This part of the policy sets out the principles the council will adopt when dealing with applications for licences and authorisations. It explains the roles and duties carried out by the Licensing Committee, Cabinet Member and Officers.

The policy covers functions carried out by the Licensing Authority and carried out on behalf of the Highways Authority.

6 Licensing Principles

- (1) The Licensing Authority aims to provide a clear, consistent licensing service to service users.
- (2) Applications will be determined where no objections are made in accordance with the delegation set out in **paragraph 8**.
- (3) When considering licence applications, we will consider all relevant information. We will determine each application on its own merits. In making decisions, we will consider the activities being proposed.
- (4) The Council will consider applications with reference to other adopted policies. Such policies include:
 - Local Development Framework
 - Enforcement Policies
 - Community Safety Strategy
- (5) Section 17 of the Crime and Disorder Act 1998 states that Councils “must do what is reasonably necessary to prevent crime and disorder in the area”. The Council wants North Lincolnshire to be safe for everyone, irrespective of age, gender or ethnic background.

7 Licensing Committee and Sub-Committee

- (1) North Lincolnshire Council’s Licensing Committee is made up of 15 members of the Council. The Licensing (Miscellaneous) Sub-Committee is to be made up of five members of the Licensing Committee.
- (2) The public must see that the Licensing Committee and Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members must attend in house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) If a member of the Committee has an interest in premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias.

8 The Licensing Process & Delegation of Functions

- (1) Applications for street trading licences or consents are delegated to either the Licensing (Miscellaneous) Sub-Committee or to the Director of Neighbourhood & Environmental Services.
- (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 Licence in the Pedestrian Area		All cases	
Application for a Street Trading Licence or Consent for a Special Event		If a representation is made	If no representation is made
Application for a second Street Trading Licence or 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	Licensing Issues All cases		
Application for an Authorisation under the Highways Act 1980		If a representation is made	If no representation is made

- (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 Decisions

- (1) Following the determination of an application by the Licensing Sub-Committee, we will inform the applicant, and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. In the case of applications for a street trading licence, details of the applicant's right of appeal will be included in the notification.
- (2) The Licensing Authority will provide the reasons for all decisions to the applicant and persons/statutory authorities making an objection.

10 Working in Partnership

- (1) The Council aims to work in partnership when dealing with Street Traders, Charities and other businesses operating on the streets of North Lincolnshire. Such partnerships will include Humberside Police, Safer Neighbourhoods, other council departments- such as Highways and the licence holders.

11 Integrating Strategies

- (1) Where possible, we will integrate our policy with other policies and strategies. These need to be taken into consideration as follows:
- (2) The Local Development Framework – We will look to work with Planning to ensure as far as possible that all premises have the appropriate consent.
- (3) Tourism and Town Centre Management – Our aim is to have a thriving town centre. We will look at the impact our policy has on the economy and adjust it as appropriate.
- (4) Crime Reduction Partnerships – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime.
- (5) Licensing Policy under the Licensing Act 2003 – We will consider this policy when considering applications for the sale or supply of alcohol, regulated entertainment and/or late night refreshment.
- (6) Other Partnerships – We will work in partnership with other bodies as required.
- (7) **Markets Policy** – Where a person wishes to have five or more stalls-then they will be directed to apply for a licence under the **Markets Policy**.

Part 2 – Street Trading

Introduction

This part of the Licensing Policy sets out how we will deal with applications for Street Trading Licences 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. At the same time, it aims to prevent street trading from being a nuisance, annoyance or undue interference or inconvenience to persons using the street.

Street Trading

12 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 with effect from 16 January 1998. All streets within North Lincolnshire are now designated as either “Licence Streets” or “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 either a Street Trading Licence or Consent. Appendix A identifies the streets designated as “Licence Streets”.
- (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 12(3)** will also require a consent.
- (5) There are additional requirements where a trader is conducting their business from private land. Please refer to **paragraph 14(6)**.
- (6) There are exemptions from requiring a consent to trade on a street. Please refer to **paragraph 13**.

13 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 490** (subject to change)
 - (b) Anything done under the authority of a market or fair.
 - (c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - (d) News vendors selling only newspapers or periodicals, subject to certain restrictions
 - (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

14 Consultation/Notification on Applications for Licences and Consents

- (1) It is our policy to carry out a consultation with relevant parties. They have 28 days to make representations in writing to the Licensing ~~Division~~Team.
- (2) When we receive an application for a Street Trading Licence or Consent we will consult the following bodies
 - a) Humberside Police
 - b) North Lincolnshire Council – Highways
- (3) We may also notify the following bodies, if considered appropriate in the circumstances:
 - a) North Lincolnshire Council – Planning
 - b) North Lincolnshire Council – Property Services
 - c) North Lincolnshire Council – Tourism
 - d) North Lincolnshire Council – Waste Management
 - e) North Lincolnshire Council – Environmental Health
 - f) Manager of Parishes and Foundry (applications relevant to their area)
- (4) In addition to notifying the aforementioned bodies, we will also notify relevant the ward councillors and town/parish councils when new applications are received in their area.
- (5) A notice will be displayed in a conspicuous location advising of the application. The notice shall include the consultation period and the relevant reasons for representations.
- (6) Where the applicant wishes to trade on private land they will be required to provide written confirmation that they are permitted to do so upon making their application. The onus is on the applicant to research the proposed trading site, ie planning permission, legal right to trade, food and safety, waste provisions, highways restrictions, etc. An application will be processed with the assumption that all necessary checks have been carried out by the applicant.

15 Grants

- (1) Street Trading Licences and Consents are issued for a period of up to one year. Both are issued to the trader, therefore should a licence or consent holder lease the business to another, the existing licence or consent must be surrendered and a new one applied for by the new trader.

- (2) Traders may employ another person to assist him or her in their 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.

16 Static Traders (Licences and Consents)

- (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 to a minimum value of £5,000,000. The applicant will be required to produce an original certificate of insurance for public liability before a street trading licence or consent will be granted.
- (3) The applicant will be required to pay the appropriate fee at the time the application is made.

17 Itinerant Traders (Consents Only)

- (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.
- (3) Itinerant traders will be permitted to remain stationary up to a maximum of 30 minutes. Where the trader wishes to trade in hot food then he may make an application to remain stationary for a period up to a maximum of 120 minutes, subject to consultation. Itinerant traders wishing to trade beyond 120 minutes will be referred to the Licensing Sub-Committee for determination. In such cases, a maximum of 5-6 sites will be permitted per trader. Any current traders with more than 6 sites will be permitted to retain grandfather rights for their current number of sites providing that the said consent is not permitted to lapse and a renewal application is made before the expiry of any consent.

18 Length of Licence or Consent

- (1) Street Trading Licences and Consent may be applied for up to a maximum of 12 months. Street Trading Licences normally remain valid for a period of 12 months although a shorter period may be specified on the licence, while a consent may be issued for any period up to the maximum. Applicants will be permitted to apply for licences and consents for the period specified in Appendix B of this policy.

- (2) The identified sites listed in **paragraph 25(8)** may have additional restrictions on the maximum length of a licence that may be applied for. Such restrictions will enable the space to be used for various events and to promote diversity in the specified areas.

19 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.
- (1) Applicants wishing to renew a Street Trading Licence should apply to renew their licence before it expires. Where the renewal application is submitted before the expiry, then the trader will be permitted to continue to trade while the application is being determined.
- (2) Applicants wishing to renew a Street Trading Consent should apply to renew their consent at least one month in advance of the expiry. At the time of renewal we may consult further to determine if the street trader is causing an obstruction, nuisance or annoyance.

20 Representations (Street Trading Licences)

- (1) The grounds on which a Street Trading Licence may be refused are specified in paragraph 3(6) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Representations will therefore only be deemed relevant where they relate to the following:
 - (a) that there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street; or
 - (b) there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade; or
 - (c) the applicant desires to trade on fewer days than the minimum number specified under the resolution; or
 - (d) the applicant is unsuitable to hold a licence as they have been convicted of an offence or for any other reason; or
 - (e) the applicant has been granted a street trading licence and has persistently refused or neglected to pay the fee or charges required under paragraph 9(6) of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; or
 - (f) the applicant has been granted a street trading consent and has persistently refused or neglected to pay the fees; or
 - (g) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

- (2) Due to the location of the “Licence Streets”, being predominately in the pedestrianised areas, all applications will be referred to the Licensing (Miscellaneous) Sub-Committee for determination.

21 Representations (Street Trading Consents)

- (1) Conditions may be attached to a Street Trading Consent in accordance with paragraph 7(5) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Representations will therefore only be deemed relevant where they relate to the following:
 - (a) the obstruction of the street or persons using it; or
 - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (2) Where a representation has been made, the application will be presented before an assessment board of three Licensing Officers for consideration. The applicant will be advised of the representation and any decision to present the application to the Licensing (Miscellaneous) Sub-Committee.
- (3) 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.

22 More Than One Trader in a Location

- (1) We will normally only allow one trader to hold a licence or consent in a specific location, unless the second applicant wishes to trade in a different commodity. **Itinerant traders will not be taken into account under this paragraph.**
- (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.

23 Special Events

- (1) At special events, we will issue one collective licence or 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 licence or 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 – 20 or more traders

- (3) Traders wishing to sell hot or cold food for immediate consumption are required to apply for an individual licence or 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 consideration.
- (4) Where a person wishes to hold a special event and they intend to have five or more stalls, then an application can be made under the Markets Policy.

24 Special Events (Charitable)

- (1) Where an event is organised by a registered charity, the fee for the charitable traders shall be waived. Any traders selling food for immediate consumption will be required to pay the appropriate licence or consent fee and shall be licensed in accordance with **paragraph 23(3)**.

25 Trading on Pedestrian Areas of Scunthorpe and Brigg (Licence Streets)

- (1) Trading in these areas will be restricted in accordance with this section of the policy and all applications to trade in the pedestrian areas and “Licence Streets” will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (2) Without prejudice to **paragraph 25(1)**, we will work in partnership with the Town Centre Management, the Foundry and Parishes when considering applications within the pedestrianised areas shown in Appendix C.
- (3) The size and design of any structure used within this area shall be approved by the Licensing Authority. ~~The approved design can be found at Appendix D~~ Applicants will be required to provide a scale plan of the trading site and include a design or photographs of the proposed stall or vehicle. The design shall include written specifications, including materials and colours to be used and full dimensions of the stall or vehicle.
- (4) There shall be no restriction on the days on which trading may take place ~~other than where specified in~~ **paragraph 25(8)**.
- (5) The consent holder or their agent shall ensure that the vicinity of the stall is kept clean and tidy. ~~Additionally-~~ generators will only be permitted if they are silent when being operated and providing that they are fume free.

- (6) Paragraph 4 of schedule 4 to the Local Government (Miscellaneous Provisions Act 1982 sets out the “principal terms” to be included in Street Trading Licences. These include:
- (a) the street in which, days on which and times between which, the licence-holder is permitted to trade; and
 - (b) the description of the articles in which he is permitted to trade.
- (7) In addition, if we determine that the applicant is to confine trading to a particular place in the street, the licence must specify the place where the street trading is confined too.
- (8) As well as the principal terms, we may specify subsidiary terms. In order to ensure that a street trader does not cause an undue interference or inconvenience, the subsidiary terms attached to Street Trading Licences **in relation to the goods that may be sold** will be as follows:
- A. ~~Goods other than~~ Hot Food for immediate consumption. ~~No generators permitted.~~ **Odours must be controlled.**
 - B. Goods other than Hot Food for immediate consumption. ~~No generators permitted.~~
 - C. ~~Goods other than Hot Food for immediate consumption.~~ **Authorised activities under the Highways Act 1980 only. No generators permitted.** (An authorisation may be applied for up to a maximum of 7 Days)
 - D. ~~Authorised activities under the Highways Act 1980 only. (An authorisation may be applied for up to a maximum of 7 Days)~~ ~~Goods other than Hot Food for immediate consumption.~~ **Generators permitted if silent and fume free.**
 - E. ~~Authorised activities under the Highways Act 1980 only. (An authorisation may be applied for up to a maximum of 7 Days)~~ ~~Goods other than Hot Food for immediate consumption.~~ **Generators permitted if silent and fume free.**
 - F. Goods other than Hot Food for immediate consumption. ~~No generators permitted.~~
 - G. Goods other than Hot Food for immediate consumption. ~~Generators permitted if silent and fume free.~~
 - H. ~~Authorised activities under the Highways Act 1980 only. (An authorisation may be applied for up to a maximum of 7 Days)~~ ~~Hot Food for immediate consumption permitted.~~ ~~Odours to be controlled.~~
 - I. ~~Trading for special events which may include hot food for immediate consumption~~ **Hot food for immediate consumption permitted. Odours must be controlled..**
 - J. Goods other than Hot Food for immediate consumption. ~~No generators permitted.~~
 - K. ~~Trading for special events which may include hot food for immediate consumption.~~ ~~Goods other than Hot Food for immediate consumption.~~ **No generators permitted.**

- L. Goods other than Hot Food for immediate consumption. ~~No generators permitted.~~
 - M. Authorised activities under the Highways Act 1980 only. (An authorisation may be applied for up to a maximum of 7 Days)
 - N. Goods other than Hot Food for immediate consumption.
- (9) Additional to the subsidiary terms identified in **paragraph 25(8)**, a number of the identified sites listed have been identified for the provision of income or information under the authority of the Highways Act 1980. These authorisations are covered in Part 4 of this policy. The agreed locations for traders are identified as A-~~L-N~~ in Appendix ~~EC~~.
- (10) Trading of hot food for immediate consumption may be considered in the aforementioned locations as a one off application when part of a special event.

26 Decisions

- (1) Applications will be determined in accordance with the scheme of delegation detailed in paragraph 8 of this policy and will take matters included in **paragraphs 20 and 21** into consideration.
- (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.

27 Markets or Fairs

- (1) Authorised markets and fairs are exempt from requiring a licence or consent.

28 Conditions

- (1) We have adopted conditions relating to Street Trading. These conditions are attached to this policy as Appendix ~~E-D~~ for Street Trading Licences and Appendix ~~F-E~~ for Consents.

29 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.

30 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 4-3 – 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.

31 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~~Team.

31 Authorisation of Collections

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

33 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. ~~A 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.

34 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.

35 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.

36 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.

part 4 – Highways Act 1980 (Authorisation)

Introduction

This part of the policy deals with authorisations issued under the Highways Act 1980. An authorisation is needed where a business or person wishes to place an obstruction on or over the highway.

37 Legislation

- (1) Any person or business who wishes to place or do anything on, in or over the highway which causes an obstruction is required to apply for a permission from the council. The permission for such activities is contained within section 115E of the Highways Act 1980.
- (2) The section applies to any object or structure which is used for a purpose of the production of income, providing advice or information, or advertising. This policy covers the production of income and providing advice and information. Advertising is covered by the Councils A-frame policy.

38 Permissions (Production of Income)

- (1) Permissions for the production of income will include the placing of tables and chairs on the highway and can sometimes be known as a “tables and chairs licence” and other commercial activities. Permitting the use of tables and chairs on the highway is intended to promote a café culture.
- (2) The promoting of the café culture and the needs of businesses will be balanced against the road safety and health and safety of pedestrians and other users of the highway. Such authorisations will only be issued to the manager or other responsible person at the premises.
- (3) The fees, where set for such permissions will be set by the Council’s Licensing Committee and will be reviewed annually.
- (4) Applications for the permission will be required to provide certain information. Such information shall include:
 - a) The times of actual or proposed opening times where the obstruction/tables and chairs are to be placed on the highway.
 - b) A certificate of public liability insurance in the sum of £5,000,000 per incident.
 - c) A site plan at a scale of 1:100, including the location of the premises, kerbs, building lines, points of access, street furniture, including key dimensions and the proposed seating and other furniture.
 - d) Photographs and/or brochures showing the type of furniture, umbrellas etc to be placed on the highway.
 - e) Written specification describing details, materials and colours (these could be notes on drawings).
 - f) Details of any other equipment or furniture to be used, including fencing and heaters.
 - g) The appropriate fee.
- (5) The Council must approve the design and size of the proposed tables, chairs, umbrellas, heaters and barriers before a licence is issued.

Once a licence is issued the licence holder must maintain the furniture to a satisfactory condition.

- (6) Conditions will be attached to the permission to place tables and chairs on the highway. Such conditions will cover Road Safety, Health and Safety, use of glass, Litter and Sanitary Provisions. This list is not exhaustive. A copy of the conditions is attached at Appendix F.
- (7) When considering applications for other commercial activities, which may be sited in the locations identified in **paragraph 25(8)** and Appendix C- we will restrict the number of such activities permitted in order to reduce any potential interference to highway users. Conditions will be attached to such permissions, which are attached as Appendix G.

39 Permissions (Providing Advice)

- (1) Organisations and businesses wishing to provide advice where the provision includes an obstruction or vehicle on the highway will be covered in accordance with this paragraph.
- (2) Fees for authorisations will be set by the Council's Licensing Committee. Fees payable by non-commercial/charitable organisations may be waived subject to agreement.
- (3) The number of businesses/organisations allowed to provide advice in any one location will be restricted in order to reduce any obstruction. Applicants will be required to include a location plan, indicating the position and size of any obstruction or vehicle, as follows:
 - a) A site plan at a scale of 1:100, including the location of the premises, kerbs, building lines, points of access, street furniture, including key dimensions and the proposed seating and other furniture.
 - b) Photographs and/or brochures showing the type of furniture, umbrellas etc to be placed on the highway.
 - c) Written specification describing details, materials and colours (these could be notes on drawings).
 - d) Details of any other equipment or furniture to be used, including fencing and heaters.
- (4) When considering applications for other commercial activities- we will restrict the number of such activities permitted in order to reduce any potential interference to highway users. Conditions will be attached to such permissions, which are attached as Appendix I.

40 Consultation

- (1) In accordance with section 115H of the Highways Act 1980 before issuing any authorisation we will consult the following bodies:

- a) Highways Authority.
 - b) Humberside Police.
 - c) North Lincolnshire Council – Planning.
 - c) Environmental Health (where the application includes tables and chairs).
- (2) Where the application relates to a premises licensed under the Licensing Act 2003 and includes the allowing the consumption of alcohol in the proposed area we will consult the following responsible authorities:
- a) Humberside Police – Licensing Officer
 - b) Trading Standards
 - c) Licensing Authority
- (3) Other responsible authorities may be consulted should it be deemed necessary to promote the licensing objectives under the Licensing Act 2003.
- (4) In addition to the consultation, we will notify Ward Members, Parish and Town Councillors and Town Centre Management of all applications.
- (5) Notices will be displayed in a conspicuous location near to where the application relates and will be served upon neighbouring premises who appear to be materially affected. Premises appearing to be materially affected will include neighbouring premises and those directly opposite or overlooking the proposed site.
- (6) Representations will be accepted for a period of 28 days following the issue of the notice.
- (7) If any consultee or person who has been served a notice fails to make comment within the prescribed 28 day period, then such a consultee or person shall be deemed to have not made a representation to the proposed application.

41 Objections

- (1) Where an objection is received the matter will be determined in accordance with the delegation at **paragraph 9**.

42 Decisions

- (1) Where an application is referred to the Licensing (Miscellaneous) Sub-Committee 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 the opportunity to speak at the hearing. Each application will be determined on its own merits.

- (2) Where no relevant concerns have been raised, the Licensing Officer may grant the application.
- (3) The Licensing (Miscellaneous) 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. Confirmation will be sent out in writing as soon as possible after the decision, or in any case within seven days of the hearing.

43 Appeals

- (1) Should an application be refused it will be referred to an arbitrator in accordance with section 115J of the Highways Act 1980.

44 Road Safety

- (1) Where a representation is received from Humberside Police or from the Council's Highways Department on the grounds of road safety mediation will take place to determine if conditions can be added to the authorisation in order to mitigate the concerns. Should this not be possible, then the application will be referred to the Licensing (Miscellaneous) Sub-Committee for determination.

45 Renewals

- (1) Authorisations will be issued for a period of one year. Persons/businesses with an authorisation should seek to renew the said authorisation before the current authorisation expires.
- (2) Consultation on renewals will only be carried out where there has been a material change to the premises, highway or the application differ from the authorisation issued.

Part 3-5 – 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.

3746 Petitions

- (1) People or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups are permitted to do so without the need for any consent or authorisation. 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.

3847 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.

3948 Market Research

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

4049 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.

Note: The Pedlars Act 1871 is under review and is likely to be repealed.

4150 Markets

- (1) Please refer to **paragraph 28** of this Policy.

4251 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.

Part 4-6 – 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.

4352 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 and for gathering evidence.
- (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

Schedule of “Licence Streets”

All Streets within North Lincolnshire have been adopted as “Consent Streets” with the exception of the streets specified in the table at Schedule 1, which have been designated as “Licence Streets”.

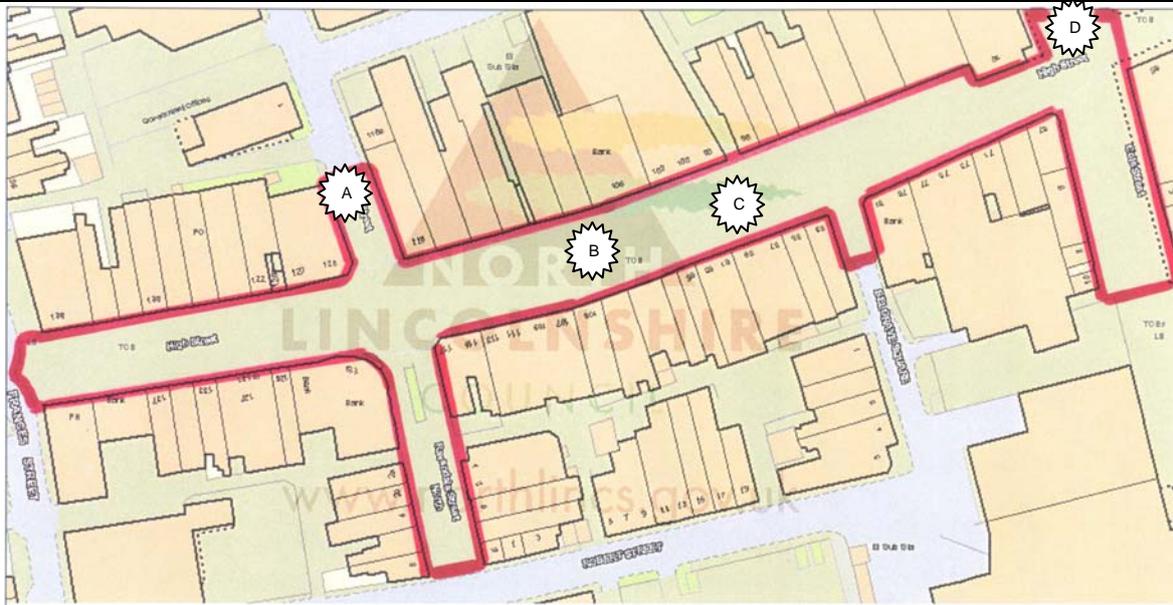
Schedule 1 – Licence Streets within North Lincolnshire	
Street Name	Comment
Belgrave Square, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Bridge Street, Brigg	Form the junction of Ancholme Way to the Market Place
Bus Station, Scunthorpe	The entire area
Carlton Street, Scunthorpe	North from the junction of Lindum Street
Church Square, Scunthorpe	The entire area
Cole Street, Scunthorpe	From the junction of High Street to the junction of Mary Street
Cross Street, Scunthorpe	The entire length
Doncaster Road, Scunthorpe	From the junction of Oswald Road and Frodingham Road to the junction of Gervase Street
Fenton Street/Manly Street, Scunthorpe	From the junction of Cole Street, through Manley Street to the junction of Lindum Street
Frodingham Road, Scunthorpe	From the junction of Doncaster Road and the High Street to the junction of Parkinson Avenue
Gilliatt Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
High Street, Scunthorpe	From the junction of Brigg Road to the junction of Oswald Road and Frodingham Road
Home Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Jubilee Way/ John Street, Scunthorpe	The entire length
Market Hill, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Market Place, Brigg	From bridge Street to the junction of Elwes Street
Market Square, Scunthorpe	The entire area
Oswald Road, Scunthorpe	From the junction of Doncaster Road and High Street to the junction of Mary Street
Ravendale Street North, Scunthorpe	From the junction of High Street to the junction of Robert Street
Trafford Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Wells Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Wrawby Street, Brigg	From Market Place to the junction of Cross Street

Specified Periods of Street Trading Licences and Consents

Type of Trader/Goods	Category		
	1	2	3
Hot Food Street Trading Consent	Annual Quarter Daily	Annual Quarter Daily	Annual Quarter Daily
Other Food Street Trading Consent	Annual Quarter Daily	Annual Quarter Daily	Annual Quarter Daily
Other Street Trading Consent	Annual Daily	Annual Daily	Annual Daily
Special Event Street Trading Consent	Per Event	Per Event	Per Event
Category			
Category One – any stall, kiosk, tow able trailer or other trading premises less than 2 Metres long that is removed at the end of each trading day.			
Category Two - any stall, kiosk, van or other trading premises or vehicle more than 2 Metres long, removed at the end of each trading day (including ice cream vans, converted buses etc)			
Category Three - semi-static premises which are not removed at the end of each trading day.			
(One-day events ORGANISED by a registered charity are exempt from the requirement of a fee in respect of Street Trading Consent – See Policy Para 18)			

High Street, Scunthorpe

Includes the High Street west from the Foundry/Cole Street up to Frances Street and Wells Street. There are two approved trading sites indicated on the map.



Title: High Street

Drawn By:	N Bramhill	Scale:	1: 1,000	Date:	10 October 2011
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The Foundry

Includes the High Street known as the Foundry from Cole Street/Wells Street down to Library Square. There is one approved trading sites indicated on the map.



Title: The Foundry

Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011
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The Parishes

Includes the Jubilee Way and Cole Street from the Bollards through to the Bus Station. There are three approved trading sites indicated on the map.

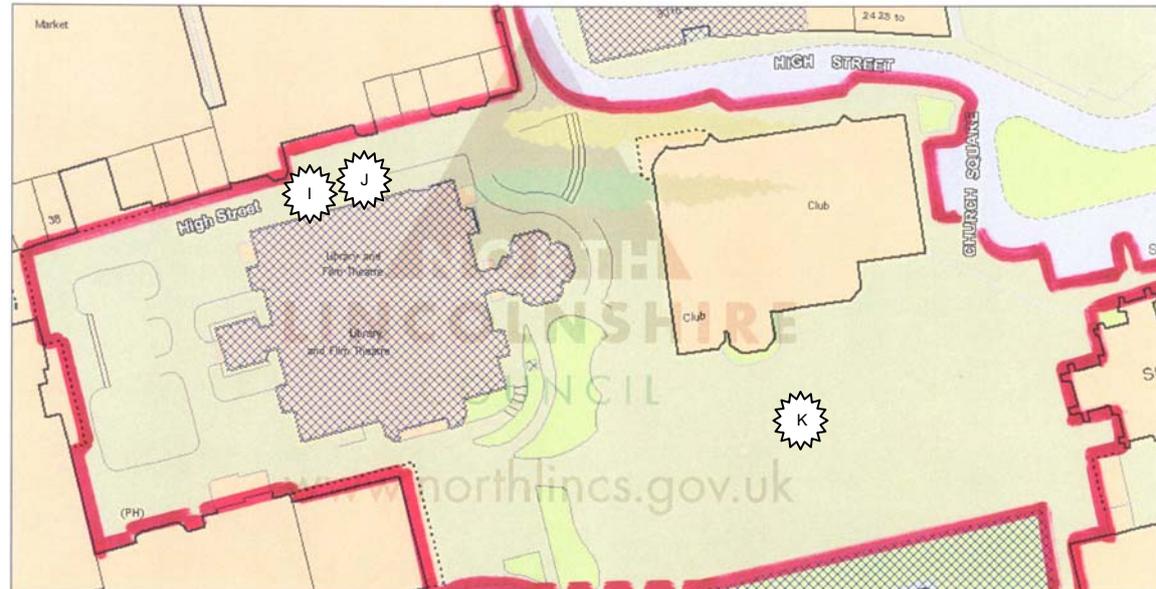


Title:	Cole Street & Jubilee Way				
Drawn By:	N Bramhill	Scale:	1: 1,000	Date:	10 October 2011

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Church Square

Includes the Church Square including the site of the former Club 2000 and Library Square. There are three approved trading sites indicated on the map.

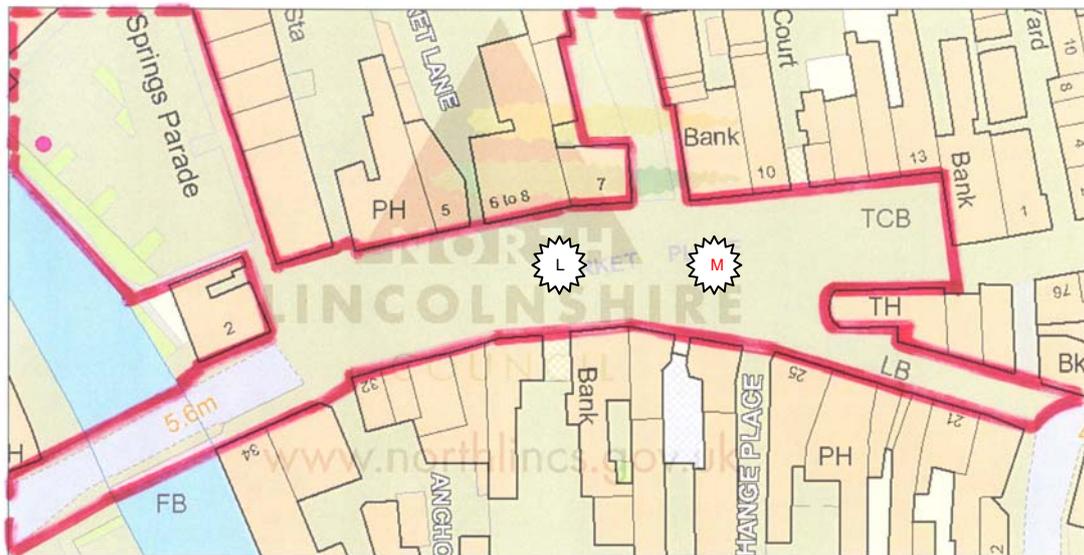


Title:	Church Square				
Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011

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Market Place, Brigg

Includes the Market Place up to the bank, the Bridge and Spring Parade. There are two approved trading sites indicated on the map.



Title:	Market Place, Brigg				
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Wrawby Street, Brigg

Includes Wrawby Street from the Market Place through to Cross Street. There is one approved trading sites indicated on the map.



Title:	Wrawby Street				
Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011
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~~Approved Deign of Street Trading Stall~~

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

Conditions applicable to Street Trading Licence:

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 licence relates to the following area/site only:

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

5. The street trading licence relates to the following goods only:

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

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

8. The street trading licence 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 licence 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 licence holder shall ensure that the area in the immediate vicinity of the stall shall be kept free of litter and refuse at all times whilst resident.
12. A copy of the licence, 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 licence 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. **The trading structure shall be removed at the end of each trading period unless prior approval has been given by the council for the structure to remain insitue.** 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. Where the trading requires the use of a generator- the said generator shall be silent in operation and free from smoke and/or odour. All cables connecting the generator to the vehicle or stall shall be positioned and maintained so it does not cause a hazard or obstruction to persons using the street.

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

Conditions applicable to Street Trading Consent:

- ~~40.~~ 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;
- ~~41.~~ 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
- (iii) Special conditions as respects this paragraph:
- ~~42.~~ 3. The street trading consent relates to the following area/site only:
- ~~43.~~ 4.The street trading consent relates to the following vehicle/premises only:
- ~~44.~~ 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.
- ~~45.~~ 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.
- ~~46.~~ 7.Where appropriate the holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.

- ~~17.~~ 8. The street trading consent holder shall only trade from a stall or vehicle approved by the Council in writing.
- ~~18.~~ 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.
- ~~10.9.~~—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.
- ~~16.~~ 11. 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.
- ~~17.~~ 12. 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.
- ~~18.~~ 13. 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.
- ~~19.~~ 14. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
- ~~20.~~ 15. 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.
- ~~21.~~ 16. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, without approval from the Highways Authority.
- 117.6 All L.P.G. installations shall be installed and operated to comply with appropriate legislation.
- 187 All persons selling food shall in addition comply with the appropriate Food Safety Legislation.
- ~~24.~~ 19. 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.
- ~~22.~~ 20. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises.
- ~~23.~~ 21. 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.

22. Only itinerant trader shall be permitted to use chimes and then only when they are trading in perishable goods. Chimes may only be sounded between noon and 19.00 hours. Chimes shall not be used within 50 metres of any hospital; or similar institution; or any school during school hours; or a place of worship on a recognised day of worship.

231. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent

Highways Act 1980

Conditions Of Authorisation (Production of Income- Tables and Chairs)

1. Except with the previous written consent of the Council, only the amenities detailed on the authorisation are to be placed on the highway and only during the times specified.
2. The Council may mark a defined area detailing where the amenities shall be sited, but in any event a minimum footway width of 2.0 metres shall be maintained at all times to allow for pedestrian movement.
3. The applicant shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this authorisation and the use by the public of the amenities provided.
4. The applicant shall be responsible for cleaning the public highway used under the authorisation at the end of each trading period and if requested by an authorised officer of the council, provide mobile litter bins on the public highway, in such a position and for such a period as the council specify.
5. The applicant shall ensure that the area and tables are kept clean and free from litter and accumulations of tableware and glass. The authorised area shall be managed so that its use does not cause a nuisance to neighbouring premises or users of the highway.
6. The applicant shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents or contractors or by a statutory undertaker, its agents or contractor, or by a Police Officer. If requested to remove such amenities- the applicant shall not reposition them until they have been informed that he/she may do so by the Council.
7. If the Council serves a Notice on the applicant requiring them to take remedial steps necessary to remedy a breach of the terms of this authorisation and the applicant fails to comply with the said Notice, the Council may itself take the steps required by the Notice and recover from the applicant any expenses incurred.
8. The Council may withdraw the authorisation at any time upon giving the applicant seven days notice in writing. Upon withdrawal of the authorisation, the applicant shall remove the amenities from the public highway and in default- the Council may remove the amenities and recover from the applicant its costs in so doing.
9. Any Notice to be given to the applicant shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left at the premises.

10. The authorisation is granted for a period of one year. An application for renewal must be made prior to the expiry date indicated on the said authorisation.
11. The authorisation shall be displayed in a prominent position in the window of the premises, so that it is clearly visible to users of the amenities and to persons using the highway. Failure to do so may result in the authorisation being withdrawn.
12. The amenities shall be removed from the public highway at the end of the permitted period each day in accordance with the authorisation, except with the written authorisation of the Council.
13. The applicant shall ensure that the patrons using the amenities do not cause a nuisance, either noise or other to persons using the highway or to neighbours of the premises.
14. The tables and chairs shall be uniform in appearance and shall be approved by the council. Plastic garden furniture will not normally be considered suitable.
15. No items may be placed in front of any adjoining premises.
16. The authorisation excludes A boards and any other amenities that are not specified. Any signage that is agreed shall be placed within the authorised area and shall not impede any persons using the highway.
17. The footway shall not be obstructed by patrons standing between table, chairs and the kerb.
18. The applicant shall not in any way interfere with the surface of the public highway.
19. Temporary fencing may be used to define the authorised area. Where it is intended to use such fencing- the detail and design shall be included on the application and shall be approved by the Council.
20. The amenities shall be so placed that they do not impair the visibility of road traffic.

Highways Act 1980

Conditions of Authorisation (Production of Income- Other)

1. Except with the previous written consent of the Council, only the amenities detailed on the authorisation are to be placed on the highway and only during the times specified.
2. The Council may mark a defined area detailing where the amenities shall be sited, but in any event a minimum footway width of 2.0 metres shall be maintained at all times to allow for pedestrian movement.
3. The applicant shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this authorisation and the use by the public of the amenities provided.
4. The applicant shall be responsible for cleaning the public highway used under the authorisation at the end of each trading period and if requested by an authorised officer of the council, provide mobile litter bins on the public highway, in such a position and for such a period as the council specify.
5. The applicant shall ensure that the area is kept clean and free from litter. The authorised area shall be managed so that its use does not cause a nuisance to other premises or users of the highway.
6. The applicant shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents or contractors or by a statutory undertaker, its agents or contractor, or by a Police Officer. If requested to remove such amenities- the applicant shall not reposition them until they have been informed that he/she may do so by the Council.
7. If the Council serves a Notice on the applicant requiring them to take remedial steps necessary to remedy a breach of the terms of this authorisation and the applicant fails to comply with the said Notice, the Council may itself take the steps required by the Notice and recover from the applicant any expenses incurred.
8. The Council may withdraw the authorisation at any time upon giving the applicant seven days notice in writing. Upon withdrawal of the authorisation, the applicant shall remove the amenities from the public highway and in default- the Council may remove the amenities and recover from the applicant its costs in so doing.
9. Any Notice to be given to the applicant shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left with persons attending the authorised activity.

10. The authorisation is granted for a maximum period of seven days per site. Applications for further periods will be considered on a first come first served basis. A calendar of authorisations shall be maintained.
11. The authorisation shall be displayed in a prominent position on the amenity, so that it is clearly visible to users and to persons using the highway. Failure to do so may result in the authorisation being withdrawn.
12. The amenities shall be removed from the public highway at the end of the permitted period each day in accordance with the authorisation, except with the written authorisation of the Council.
13. The applicant shall ensure that the patrons using the amenities do not cause a nuisance, either noise or other to persons using the highway or to neighbours of the premises.
14. The authorisation excludes A boards and any other amenities that are not specified. Any signage that is agreed shall be placed within the authorised area and shall not impede any persons using the highway.
15. The applicant shall not in any way interfere with the surface of the public highway.
16. The amenities shall be so placed that they do not impair the visibility of road traffic.

Highways Act 1980

Conditions of Authorisation (Provision of Advice)

1. Except with the previous written consent of the Council, only the amenities detailed on the authorisation are to be placed on the highway and only during the times specified.
2. The Council may mark a defined area detailing where the amenities shall be sited, but in any event a minimum footway width of 2.0 metres shall be maintained at all times to allow for pedestrian movement.
3. The applicant shall indemnify the Council from and against any claim in respect of any injury, damage or loss arising directly or indirectly out of the grant of this authorisation and the use by the public of the amenities provided.
4. The applicant shall be responsible for cleaning the public highway used under the authorisation at the end of each trading period and if requested by an authorised officer of the council, provide mobile litter bins on the public highway, in such a position and for such a period as the council specify.
5. The applicant shall ensure that the area is kept clean and free from litter. The authorised area shall be managed so that its use does not cause a nuisance to neighbouring premises or users of the highway.
6. The applicant shall remove the amenities from the public highway immediately if requested to do so by the Council, its agents or contractors or by a statutory undertaker, its agents or contractor, or by a Police Officer. If requested to remove such amenities- the applicant shall not reposition them until they have been informed that he/she may do so by the Council.
7. If the Council serves a Notice on the applicant requiring them to take remedial steps necessary to remedy a breach of the terms of this authorisation and the applicant fails to comply with the said Notice, the Council may itself take the steps required by the Notice and recover from the applicant any expenses incurred.
8. The Council may withdraw the authorisation at any time upon giving the applicant seven days notice in writing. Upon withdrawal of the authorisation, the applicant shall remove the amenities from the public highway and in default- the Council may remove the amenities and recover from the applicant its costs in so doing.
9. Any Notice to be given to the applicant shall be deemed to be sufficiently served if addressed to the applicant and sent by post or left at the premises.
10. The authorisation is granted for a period of one year. An application for renewal must be made prior to the expiry date indicated on the said authorisation.

11. The authorisation shall be displayed in a prominent position on the amenity, so that it is clearly visible to users and to persons using the highway. Failure to do so may result in the authorisation being withdrawn.
12. The amenities shall be removed from the public highway at the end of the permitted period each day in accordance with the authorisation, except with the written authorisation of the Council.
13. The applicant shall ensure that the patrons using the amenities do not cause a nuisance, either noise or other to persons using the highway or to neighbours of the premises.
14. The authorisation excludes A boards and any other amenities that are not specified. Any signage that is agreed shall be placed within the authorised area and shall not impede any persons using the highway.
15. The applicant shall not in any way interfere with the surface of the public highway.
16. The amenities shall be so placed that they do not impair the visibility of road traffic.

No English?

For information please call:

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ:

তথ্যগুলি বাংলায় জানতে হলে এই নম্বরে ফোন করুন: 08000 193531 (Bengali)

欲知粵語版的信息，請致電: 08000 193532 (Cantonese)

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

بۆ زانیاری بە کوردی سۆزانی تەلەفۆن بۆ ژمارە 08000 193537 بەکە. (Kurdish Sorani)

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 wac 08000 193540" (Somali)

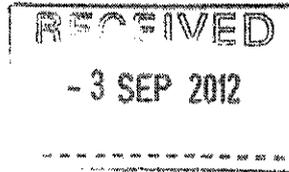
08000 193541 (Urdu) اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ فرمائیں۔

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

Nick Bramhill
Licensing Manager
Licensing
Church Square
High Street
Scunthorpe
DN16 6QX



31 August 2012

Street Trading and Collections Policy Consultation

Whilst every effort is made to support the town centre strategy of Scunthorpe, the following would be concerns to the parishes management company if trading site F was to be extended to the full Length of Jubilee Way:

Regard for access and egress of emergency services during pedestrianised hours.

Other concerns:

Part 2 Street Trading
17 – Itinerant Traders

We would not like to see itinerant traders within the boundaries of our centre.

18 – Length of Consent

We would not like to see licences or consents given at entrances to or within the boundaries of the centre. A 12 month licence would impact on the ability to let a unit and/or restrict the offer for sale by a centre trader.

Part 4 Charitable Collections (p19)

35 – We would not like to see direct debit charity collections at entrances to or within the boundary of the centre.

36 – Touting

There is no mention on how this is going to be policed.

Part 3 – Other Activities (p22)

42 – Busking

Busking should only be agreed in consultation with key stakeholders, limited to designated sites in the town which allow for the escape of noise from confined areas such as canopied areas.

We would not like to see busking under canopies, in front of vacant shops or where buskers could cause a nuisance to shopkeepers, or a hazard to the public, or where they may interfere with special events.

Kind regards

Tony Pickering
Centre Manager



23 August 2012

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



Dear Sirs,

Street Trading and Collections Policy Consultation

Your reference: NB/ST01/12.

Thanking you for the opportunity to comment on the Draft Licensing Policy Street Trading, Activities and Collections Policy (Draft April 2012 – Version 6) as published on your web site.

Trading from shop premises is the primary business of the Town Centre Shopping Centres, any encroachment on the footprint of a shopping centre including activities on the highway can have a detrimental effect not only on the trader occupying retail premises, but also on the ability to Let units.

Limited one off street trading at special events where traders compliment the Shopping Centre offer and experience can be beneficial.

You may wish to note that area 'C' on The Foundry plan at Appendix C is used at various times of the year for special events of a none street trading nature such as:

- Light up a Life Christmas Tree and event
- Salvation Army Band
- Street Entertainment
- Children's Rides during school holidays
- Awareness days etc.

It is noted that paragraph **25 Trading on Pedestrian Areas of Scunthorpe and Brigg (Licence Streets)** has imposed restrictions and that all applications for pedestrian areas including The Foundry will be referred to the licensing (Miscellaneous) Sub Committee.

It would be preferable if the trading site 'C' at Appendix C was removed from the plan 'The Foundry' and all activities in this area are restricted to one off special events.

Site 'F' on the Plan The Parishes we would also like to see restricted to one off events and in any circumstance that there is no interference with, sight lines, the pedestrian flow, etc. to The Foundry.

The following would give us concerns if the trading sites 'C' and 'F' are not removed from the plans at Appendix C:

Part 2 – Street Trading

17 Itinerant Traders (Consents Only)

We would not like to see Itinerant Traders at the entrances or within boundaries of The Foundry.

18 Length of Consent

We would not like to see Street Trading Licences and Consents given; at the entrances or within boundaries of The Foundry, apart from limited organised events of limited duration which compliment the Shopping Centre Offer. A 12 month licence could seriously damage an ability to Let a unit or restrict the commodity offered for sale by a shop keeper.

Part 4 – Charitable Collections (page 19)

35 Advance Bookings for Street Collections and Direct Debit Collections.

We would not like to see collectors for direct debit collections at the entrances or within boundaries of The Foundry.

36 Touting

There is no mention on how this is going to be policed.

Part 3 – Other Activities (page 22)

42 Busking

Some busking is welcomed, however this should be at designated sites in the town, which will allow for the escape of noise from confined areas such as The Foundry with its canopies and restricted width. We would not like to see busking under canopies, in front of vacant shops or where buskers are a nuisance to shopkeepers or a hazard to the public or interfere with special events.

Once again thank you for the opportunity to comment and the proposals and if you require further information, please contact the undersigned.

Yours sincerely

Peter Gollightly
Centre Manager.

c.c.
Workman, Manchester.

MY PLACE TO YOUR PLACE

Thursday, 16 August 2012

Pennygreen Cottage
1 Washinghall Lane
Eastoft
Scunthorpe
DN17 4PR

Phone 01724 798019
Fax:
E-mail: jeffbus53@aol.co.uk

Licensing Authority, Re; proposed changes for Street Trading.

As an interested party to the Street Trading and Collections Policy Consultation, I would like to register my concerns regarding the changes. As a small business these changes would be negative and cause serious financial problems to anyone who runs a business in a similar manner to myself. The Policy shows changes for anyone who trades for longer than 2 hrs by limiting the number of venues to a maximum of 5. At present I have 5 venues were I serve for 2 hrs plus a dinner time venue which runs for 2 1/2 hrs making a total of 6, if this then takes me into the new policy ruling my Licence fees would then double from £460 to £920 annually, or if I continue to do it quarterly from £568 to £1136 per annum. With the financial problems we are all going through at present I may even have to increase venues where even more licences would be required raising Licence fees even higher. From reading the consultation it is not clear to how the changes may or may not affect me and after making enquiries to the Licensing department nobody could advise me as they didn't have a knowledgeable understanding in general, just to put my questions in writing and submit by letter. My business runs as a Tea Time service for 2 hrs a day plus dinner times at present a maximum of 17 1/2 hrs per week I pay the same for a Licence as someone who does 2 or 3 times as much, this I accept but the proposed changes would not affect the large percentage of fixed traders just the few smaller who move around to the villages who need them. I would like to think that all this would be considered under any new proposals.

I hope I have made clear my thoughts and worries enough to have them discussed and maybe have some input to any changes that are or may be made in the forthcoming consultation.

Yours Sincerely

J Healy

Thursday, 18 August 2010

THE PLACE TO YOUR PLACE

Progreen Cottage
1 Westinghall Lane
Eccles
Salford
M6 7 4PR
Phone 01724 798019
Fax
E-mail: jeh@progreen.co.uk

Licensing Authority Re: proposed changes for Street Trading

As an interested party to the Street Trading and Collections Policy Consultation, I would like to register my concerns regarding the changes. As a small business these changes would be negative and cause serious financial problems to anyone who runs a business in a similar manner to myself. The Policy shows changes for anyone who trades for longer than 2 hrs by limiting the number of venues to a maximum of 2. At present I have 2 venues were I serve for 2 hrs plus a dinner time venue which runs for 2 hrs making a total of 6, if this then takes me into the new policy ruling my licence fees would then double from £460 to £920 annually, or if I continue to do it quarterly from £588 to £1176 per annum. With the financial problems we are all going through at present I may even have to increase venues where even more licences would be required raising licence fees even higher. From reading the consultation it is not clear to how the changes may or may not affect me and after making enquiries to the Licensing department nobody could advise me as they didn't have a knowledgeable understanding in general, just to put my questions in writing and submit by letter. My business runs as a Tea Time service for 2 hrs a day plus dinner times at present a maximum of 1 1/2 hrs per week I pay the same for a licence as someone who does 2 or 3 times as much, this I accept but the proposed changes would not affect the large percentage of fixed traders just the few smaller who move around to the villages who need them. I would like to think that all this would be considered under any new proposals.

I hope I have made clear my thoughts and worries enough to have them discussed and maybe have some input to any changes that are or may be made in the forthcoming consultation.

Yours sincerely
J Healy



Fw: Licensing Consultation- Street Trading, Collections and Activities

Margaret Price

to:

Nicholas Bramhill

03/08/2012 10:17

Cc:

Christine Edwards

Show Details

Hi Nick

Chris passed the new Licensing Policy to me for comments.

I've had a look through and have noticed that there is no mention of the Markets Policy for instances where there is likely to be five or more stalls.

I feel that this will confuse people about which policy they need to use to apply for a consent for their event.

Could something be added to Part 2 of the policy to let people know that if their event will have five or more stalls they should apply for a Market Consent rather than a Licensing one?

I know you are on leave until Monday and I am off from Monday so I'm e-mailing you my comments. Will try to catch up with you when I get back so we can discuss.

Regards

Margaret Price

Principal Tourism Services Officer

01724 297356

-----Forwarded by Margaret Price/PL/NorthLincs on 03/08/2012 10:11AM -----

To: Vicki Brooks/PL/NorthLincs@northlincs, Margaret Price/PL/NorthLincs@NorthLincs

From: Christine Edwards/PL/NorthLincs

Date: 27/07/2012 10:25AM

Subject: Fw: Licensing Consultation- Street Trading, Collections and Activities

(See attached file: Activities & Collections Policy V6-Apr 2012.pdf)

Please can you read through this and think about any comments we wish to make?

On a first read I think that there is too much confusion between the Market consent (not mentioned) and collective consents at events.

Margaret - after you have discussed it, can you speak to Nick about adding something to say a Market consent is an alternative for 5 or more stalls?

regards

Christine Edwards

Tourism & Town Centres Manager

01724 297350

-----Forwarded by Christine Edwards/PL/NorthLincs on 27/07/2012 10:23AM -----

To: Denise Hyde/CF/NorthLincs@NorthLincs, Peter Williams/PR/NorthLincs@NorthLincs, Mike

Wedgewood/FI/NorthLincs@NorthLincs, buildingcontrol/HP/NorthLincs@NorthLincs, Kath

Jickells/NE/NorthLincs@NorthLincs, foodsafety@northlincs.gov.uk,

WasteManagement/NE/NorthLincs@NorthLincs, tradingstandards@northlincs.gov.uk,

DemocraticServicesLicensing/LD/NorthLincs@NorthLincs, Christine Edwards/PL/NorthLincs@NorthLincs,

enquiries@charnwood.co.uk, Ian Jickells/HT/NorthLincs@NorthLincs, Anne Musgrave/NorthLincs@NorthLincs, Cllr LizRedfern/Members/NorthLincs@NorthLincs, Mark Kirk/Members/NorthLincs@NorthLincs, Cllr KeithVickers/Members/NorthLincs@NorthLincs, Cllr AndreaDavison/Members/NorthLincs@NorthLincs, Cllr.MickGrant@northlincs.gov.uk, Cllr JohnCollinson/Members/NorthLincs@NorthLincs, Cllr DavidRobinson/Members/NorthLincs@NorthLincs, Cllr TrevorBarker/NorthLincs@NorthLincs, Cllr JohnBriggs/Members/NorthLincs@NorthLincs, Cllr RonAllcock/Members/NorthLincs@NorthLincs, Cllr WilliamEckhardt/Members/NorthLincs@NorthLincs, Cllr JonathanEvison/Members/NorthLincs@NorthLincs, Cllr PaulVickers/Members/NorthLincs@NorthLincs, Cllr JeanBromby/Members/NorthLincs@NorthLincs, Steve Swift/Members/NorthLincs@NorthLincs, Cllr DavidWhiteley/Members/NorthLincs@NorthLincs, Cllr CarlSherwood/Members/NorthLincs@NorthLincs, Cllr NigelSherwood/Members/NorthLincs@NorthLincs, Rob Waltham/Members/NorthLincs@NorthLincs, Cllr ArthurBunyan/Members/NorthLincs@NorthLincs, Cllr IvanGlover/Members/NorthLincs@NorthLincs, Cllr SueArmitage/Members/NorthLincs@NorthLincs, Cllr PaulineCarlile/Members/NorthLincs@NorthLincs, Len K Foster/Members/NorthLincs@NorthLincs, Cllr DaveOldfield/Members/NorthLincs@NorthLincs, Cllr IshaqJawaid/Members/NorthLincs@NorthLincs, Cllr ChristineO'Sullivan/Members/NorthLincs@NorthLincs, Cllr PeterClark/Members/NorthLincs@NorthLincs, Cllr JohnWardle/Members/NorthLincs@NorthLincs, Cllr Davidwells/Members/NorthLincs@NorthLincs, Cllr SandraBainbridge/Members/NorthLincs@NorthLincs, Cllr TonyEllerby/Members/NorthLincs@NorthLincs, Cllr SusanGodfrey/Members/NorthLincs@NorthLincs, Cllr TonyGosling/Members/NorthLincs@NorthLincs, Cllr StuartWilson/Members/NorthLincs@NorthLincs, Cllr JohnEngland/Members/NorthLincs@NorthLincs, Cllr TrevorFoster/Members/NorthLincs@NorthLincs, Cllr NeilPoole/Members/NorthLincs@NorthLincs, Cllr MashookAli/Members/NorthLincs@NorthLincs, Cllr HaqueKataria/Members/NorthLincs@NorthLincs, Cllr ElaineMarper/Members/NorthLincs@NorthLincs, Cllr RalphOgg/Members/NorthLincs@NorthLincs, Cllr HelenRowson/Members/NorthLincs@NorthLincs, WasteManagement/NE/NorthLincs@NorthLincs, DemocraticServicesLicensing/LD/NorthLincs@NorthLincs, ian.jickells@northlincs.gov.uk, Christine Edwards/PL/NorthLincs@NorthLincs, kathyfowler11@yahoo.co.uk, clerk.buspc@hotmail.co.uk, linda@willowcottages.co.uk, kathy.fowler@btopenworld.com, Lynneunderwood11@gmail.com, Ingletons@talk21.com, deb_hotson@hotmail.com, epworth.council@btconnect.com, athelbygundogs@msn.com, cgilleard@hotmail.co.uk, goxhillparishcouncil@btinternet.com, jane.webster@talktalk.net, robertdavey1@tiscali.co.uk, kedgewyn@hotmail.com, andrew.humble@ntlworld.com, kirtonclerk@btinternet.com, Fisher.mary7@gmail.com, joanfowler33@yahoo.co.uk, mrpcc@btinternet.com, jackie.messinghampc@btinternet.com, northkillingholmeipc@hotmail.co.uk, admin@owstonferrypc.co.uk, saxbyclerk@yahoo.co.uk, jennydog@talktalk.net, chrisstanley.stlukes@googlemail.com, wintertoncouncil@talktalkbusiness.net, woottonparishclerk@tiscali.co.uk, gfoster3@sky.com, peterclark777@btinternet.com

From: Nicholas Bramhill/NE/NorthLincs

Date: 19/07/2012 01:28PM

Subject: Licensing Consultation- Street Trading, Collections and Activities

(See attached file: *Activities & Collections Policy V6-Apr 2012.pdf*)

Dear Sir/Madam

I write to inform you that a number of changes have been made to the Street Trading and Collections Policy. The changes include the re-designation of Streets in Scunthorpe and Brigg as Licensed Streets and the terms by which applications will be determined. A copy of the policies are attached to this email.

(See attached file: *Draft Street Activities- Highways Act 1980 June 12.pdf*) (See attached file: *Draft Street Trading, Activities & Collections Policy V6-Apr 2012.pdf*)

As an interested party, you are invited to make written representation to the Licensing Authority, PO Box 42, Church Square House, Scunthorpe, North Lincolnshire, DN15 6XQ. Consultation closes on 31 August 2012. Comments should include the reference NB/ST01/12.

Any comments received after that date may not be taken into consideration.

Any amendments to these policies that affect you in the future, therefore, it is important that you read it and ensure that you cascade this information to all persons who are involved in your business or organisation who may be affected.

If you need to speak to anyone regarding the policy, then please do not hesitate to contact the Licensing Authority on (01724) 297750.

Nick Bramhill
Licensing Manager
North Lincolnshire Council
Church Square House
PO Box 42
Scunthorpe
DN15 6XQ

(01724) 297607

Fw: Licensing Consultation- Street Trading, Collections and Activities

Michael Simpson to: Nicholas Bramhill

24/08/2012 13:56

Cc: Nicola Jenkins, ian.jickells, Neil Norvock, rob.beales, Chris Matthews, Rod Chapman, chris.peam, Mick Johnson

Hello Nick,

My colleague, Nicola Jenkins and I have been asked to look at the issue of street cafes by Rob Beales following their introduction several years ago. I think this ties in very nicely with what you are proposing and would like your views too. We have not had opportunity to speak to the Traffic Team or the Highway Maintenance Team as yet hence I have copied them into the email too for their comments.

Please find attachment some info we have put together that you could hopefully use in the policy, there are a lot of similar comments in both our documents. If you are OK with this we need to follow up with discussions on fees, enforcement, inspections etc to clarify who will do what etc.

Just one point I would like to raise is the subject of fees. Currently I don't think anybody has been charged.

Regards

Mike



Street Café Licence - NJ & MWS 24 Aug 12.doc

Mike Simpson

Team Manager - Highway Policy

Community Services

North Lincolnshire Council

----- Forwarded by Michael Simpson/HP/NorthLincs on 24/08/2012 13:42 -----

From: Chris Matthews/HT/NorthLincs
To: Neil Norvock/HT/NorthLincs@NorthLincs, Michael Simpson/HP/NorthLincs@NorthLincs
Date: 20/08/2012 08:24
Subject: Fw: Licensing Consultation- Street Trading, Collections and Activities

Neil / Mike

Can you get back to Nick with any comments by the 31st August.

Thanks

Chris

----- Forwarded by Chris Matthews/HT/NorthLincs on 20/08/2012 08:23 -----

From: Peter Williams/PR/NorthLincs
To: Helen Rowe/SC/NorthLincs@NorthLincs, Chris Matthews/HT/NorthLincs@NorthLincs, Trevor Laming/NE/NorthLincs@NorthLincs, Marcus Walker/NorthLincs@NorthLincs
Date: 13/08/2012 11:52
Subject: Fw: Licensing Consultation- Street Trading, Collections and Activities

Please see the following and attached for information/action as appropriate.

Thanks

Peter

-----Forwarded by Peter Williams/PR/NorthLincs on 13/08/2012 11:51AM -----

To: Denise Hyde/CF/NorthLincs@NorthLincs, Peter Williams/PR/NorthLincs@NorthLincs, Mike Wedgewood/FI/NorthLincs@NorthLincs, buildingcontrol/HP/NorthLincs@NorthLincs, Kath Jickells/NE/NorthLincs@NorthLincs, foodsafety@northlincs.gov.uk, WasteManagement/NE/NorthLincs@NorthLincs, tradingstandards@northlincs.gov.uk, DemocraticServicesLicensing/LD/NorthLincs@NorthLincs, Christine Edwards/PL/NorthLincs@NorthLincs, enquiries@charnwood.co.uk, Ian Jickells/HT/NorthLincs@NorthLincs, Anne Musgrave/NorthLincs@NorthLincs, Cllr LizRedfern/Members/NorthLincs@NorthLincs, Mark Kirk/Members/NorthLincs@NorthLincs, Cllr KeithVickers/Members/NorthLincs@NorthLincs, Cllr AndreaDavison/Members/NorthLincs@NorthLincs, Cllr.MickGrant@northlincs.gov.uk, Cllr JohnCollinson/Members/NorthLincs@NorthLincs, Cllr DavidRobinson/Members/NorthLincs@NorthLincs, Cllr TrevorBarker/NorthLincs@NorthLincs, Cllr JohnBriggs/Members/NorthLincs@NorthLincs, Cllr RonAllcock/Members/NorthLincs@NorthLincs, Cllr WilliamEckhardt/Members/NorthLincs@NorthLincs, Cllr JonathanEvison/Members/NorthLincs@NorthLincs, Cllr PaulVickers/Members/NorthLincs@NorthLincs, Cllr JeanBromby/Members/NorthLincs@NorthLincs, Steve Swift/Members/NorthLincs@NorthLincs, Cllr DavidWhiteley/Members/NorthLincs@NorthLincs, Cllr CarlSherwood/Members/NorthLincs@NorthLincs, Cllr NigelSherwood/Members/NorthLincs@NorthLincs, Rob Waltham/Members/NorthLincs@NorthLincs, Cllr ArthurBunyan/Members/NorthLincs@NorthLincs, Cllr IvanGlover/Members/NorthLincs@NorthLincs, Cllr SueArmitage/Members/NorthLincs@NorthLincs, Cllr PaulineCarlile/Members/NorthLincs@NorthLincs, Len K Foster/Members/NorthLincs@NorthLincs, Cllr DaveOldfield/Members/NorthLincs@NorthLincs, Cllr IshaqJawaid/Members/NorthLincs@NorthLincs, Cllr ChristineO'Sullivan/Members/NorthLincs@NorthLincs, Cllr PeterClark/Members/NorthLincs@NorthLincs, Cllr JohnWardle/Members/NorthLincs@NorthLincs, Cllr Davidwells/Members/NorthLincs@NorthLincs, Cllr SandraBainbridge/Members/NorthLincs@NorthLincs, Cllr TonyEllerby/Members/NorthLincs@NorthLincs, Cllr SusanGodfrey/Members/NorthLincs@NorthLincs, Cllr TonyGosling/Members/NorthLincs@NorthLincs, Cllr StuartWilson/Members/NorthLincs@NorthLincs, Cllr JohnEngland/Members/NorthLincs@NorthLincs, Cllr TrevorFoster/Members/NorthLincs@NorthLincs, Cllr NeilPoole/Members/NorthLincs@NorthLincs, Cllr MashookAli/Members/NorthLincs@NorthLincs, Cllr HaqueKataria/Members/NorthLincs@NorthLincs, Cllr ElaineMarper/Members/NorthLincs@NorthLincs, Cllr RalphOgg/Members/NorthLincs@NorthLincs, Cllr HelenRowson/Members/NorthLincs@NorthLincs, WasteManagement/NE/NorthLincs@NorthLincs, DemocraticServicesLicensing/LD/NorthLincs@NorthLincs, ian.jickells@northlincs.gov.uk, Christine Edwards/PL/NorthLincs@NorthLincs, katyfowler11@yahoo.co.uk, clerk.buspc@hotmail.co.uk, linda@willowcottages.co.uk, katy.fowler@btopenworld.com, Lynneunderwood11@gmail.com, Ingletons@talk21.com, deb_hotson@hotmail.com, epworth.council@btconnect.com, athelbygundogs@msn.com, cgilleard@hotmail.co.uk, goxhillparishcouncil@btinternet.com, jane.webster@talktalk.net, robertdavey1@tiscali.co.uk, kedgewyn@hotmail.com, andrew.humble@ntlworld.com, kirtonclerk@btinternet.com, Fisher.mary7@gmail.com, joanfowler33@yahoo.co.uk, mrpcc@btinternet.com, jackie.messinghampc@btinternet.com, northkillingholmeipc@hotmail.co.uk, admin@owstonferrypc.co.uk, saxbyclerk@yahoo.co.uk, jennydog@talktalk.net, chrisstanley.stlukes@googlemail.com, wintertoncouncil@talktalkbusiness.net, woottonparishclerk@tiscali.co.uk, gfoster3@sky.com, peterclark777@btinternet.com

From: Nicholas Bramhill/NE/NorthLincs
Date: 19/07/2012 01:28PM
Subject: Licensing Consultation- Street Trading, Collections and Activities
(See attached file: *Activities & Collections Policy V6-Apr 2012.pdf*)

Dear Sir/Madam

I write to inform you that a number of changes have been made to the Street Trading and Collections Policy. The changes include the re-designation of Streets in Scunthorpe and Brigg as Licensed Streets and the terms by which applications will be determined. A copy of the policies are attached to this email.

(See attached file: Draft Street Activities- Highways Act 1980 June 12.pdf)

(See attached file: Draft Street Trading, Activities & Collections Policy V6-Apr 2012.pdf)

As an interested party, you are invited to make written representation to the Licensing Authority, PO Box 42, Church Square House, Scunthorpe, North Lincolnshire, DN15 6XQ. Consultation closes on 31 August 2012. Comments should include the reference NB/ST01/12.

Any comments received after that date may not be taken into consideration.

Any amendments to these policies may affect you in the future, therefore, it is important that you read it and ensure that you cascade this information to all persons who are involved in your business or organisation who may be affected.

If you need to speak to anyone regarding the policy, then please do not hesitate to contact the Licensing Authority on (01724) 297750.

Nick Bramhill
Licensing Manager
North Lincolnshire Council
Church Square House
PO Box 42
Scunthorpe
DN15 6XQ



(01724) 297607Draft Street Activities- Highways Act 1980 June 12.pdf



Draft Street Trading, Activities & Collections Policy V6-Apr 2012.pdf

Street Café Licence Policy.

Permissions.

North Lincolnshire Council, under the Highways Act 1980, are able to give permission to locate facilities for a street café licence. North Lincolnshire Council welcomes applicants from existing or new businesses to enhance the environment of the town. Permitting the use of tables and chairs on the highway is intended to promote a café culture in the area.

This licence applies to owners and managers of:

- Restaurants
- Café's
- Bars
- Tea Rooms
- Snack Bars etc

A successful applicant will be judged on the following:

- Location
- The space available
- Type of business
- Street furniture used

Gaining Permission.

A street café licence is required to place any tables and chairs on any part of the highway (footways and pedestrianised areas).

The applicant will need to provide the following:

- A plan showing location and layout of proposed street café.
- Copy of Public Liability insurance.
- Details of enclosure and furniture to be used.
- Proposed times of operation.
- Appropriate fee.

Café Layout Requirements.

The public highway exists primarily for the use of pedestrians and vehicles, including parked vehicles where permitted. Any pavement café has to respect that primary requirement and ensure it is accommodated.

In practice that means that an unobstructed 2.0m wide path for pedestrians must be free of obstruction should be made available past or through the pavement café area. In the case of a café in two parts (adjacent to the building and then further into a pedestrianised zone) a path for pedestrians of 2.0m passing through it.

A pavement café must be located adjacent to the premises the café trades from and should not exceed the width of that building.

It is good practice for extents of the café to be marked by temporary fencing. This allows users and passer by to identify the exact extents of the café area. No fencing that could be hazardous to the public shall be used and will be subject to approval as part of the licence.

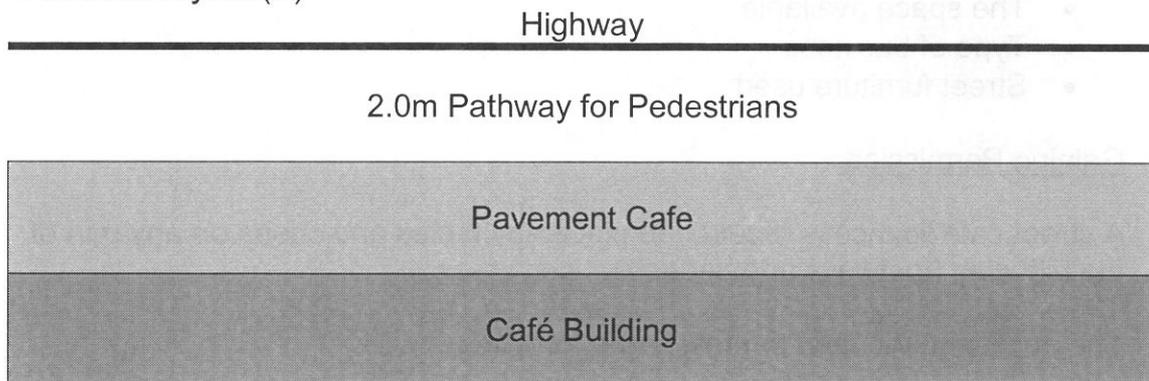
The council strongly recommends that table, chairs and boundary fencing are constructed of wood or metal, and plastic furniture shall be avoided, in order to maintain a good quality streetscape.

When the pavement café or premises on the public highway is not trading, all furniture, displays and fencing should be removed completely from the highway.

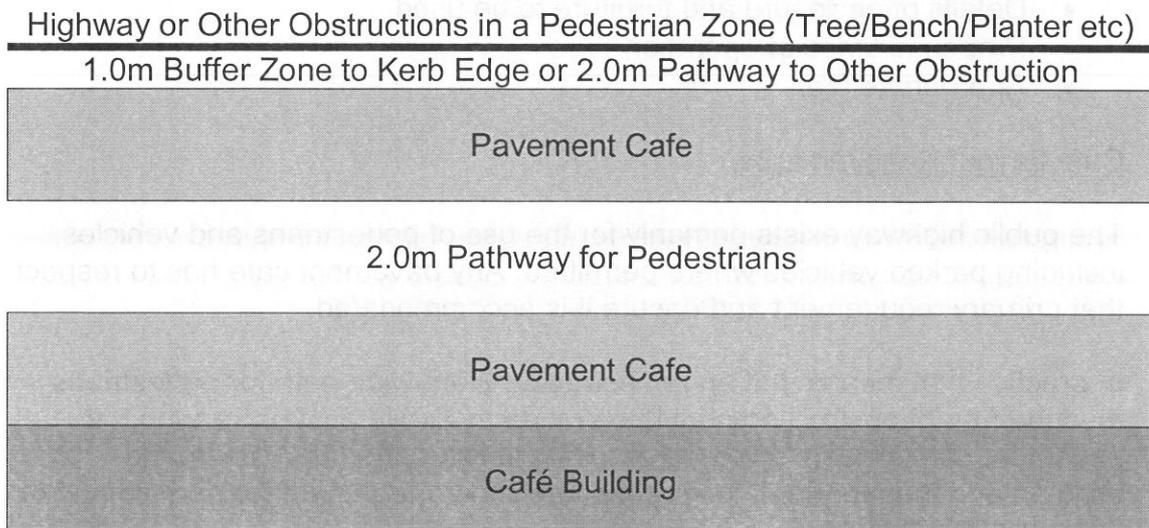
The layout of the pavement café must not block visibility for road traffic.

Typical example of what North Lincolnshire Council expects a pavement café to look like:

Possible Layout (A)



Possible Layout (B)



Litter Control.

Tables should be cleared regularly to ensure that no litter blows into public areas and bins should also be provided within the pavement café area for use of patrons and staff.

Signs.

Any signage advertising the premises should be placed within the pavement café area and not in the way of pedestrians.

Pavement Café in operation.

It will be the café owners' responsibility to ensure that the pavement café operates in a safe and secure manner.

An adhoc inspection will take place within the duration of the licence to ensure that all guidelines are being adhered to.

Fees

?

Renewals.

A licence will be issued for a period of 12 months. You should seek to renew your licence before the current licence expires.

Consultations on the renewal will only be carried out if there are any changes to the application or highway to the prior licence.

CONTROL OF POLLUTION ACT 1974
PART III—NOISE
POLLUTION CONTROL AND LOCAL GOVERNMENT
(NORTHERN IRELAND) ORDER 1978

Code of Practice on Noise from Ice-Cream Van Chimes Etc. 1982

DEPARTMENT OF THE ENVIRONMENT

WELSH OFFICE

SCOTTISH DEVELOPMENT DEPARTMENT

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

CONTROL OF POLLUTION ACT 1974
PART III - NOISE
POLLUTION CONTROL AND LOCAL GOVERNMENT
NORTHERN IRELAND ORDER 1982

Code of Practice on

This code of practice from pages 1 to 6 was approved, and approval was given for its issue, by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) Order 1981 (SI 1981 No. 1828) made under section 71 of the Control of Pollution Act 1974 by the Secretary of State for the Environment (in respect of England), the Secretary of State for Wales (in respect of Wales), and the Secretary of State for Scotland (in respect of Scotland). (In Northern Ireland this code of practice from pages 1 to 6 was approved, and approval was given for its issue by the Control of Noise (Code of Practice on Noise from Ice-Cream Van Chimes Etc.) Order (Northern Ireland) 1982.) This code of practice came into operation on 1 February 1982 in England, Wales and Scotland (and on 1 July 1982 in Northern Ireland).

Section 71 of the Control of Pollution Act 1974 empowers the Secretary of State to prepare and approve and issue such codes of practice as in his opinion are suitable for the purpose of giving guidance on appropriate methods for minimising noise. Section 72 of the Control of Pollution Act 1974 provides that regard shall be had to any relevant provision of a code of practice approved under section 71 of the Act in construing references to 'best practicable means' in Part III (Noise) of the Act.

DEPARTMENT OF THE ENVIRONMENT
NORTH OFFICE
FIRST FLOOR DEPARTMENT BUILDING
DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

CONTROL OF POLLUTION ACT 1974

PART III—NOISE

**POLLUTION CONTROL AND LOCAL GOVERNMENT (NORTHERN IRELAND)
ORDER 1978**

Code of Practice on Noise from Ice-Cream Van Chimes Etc. 1982

DEPARTMENT OF THE ENVIRONMENT
Romney House, 43 Marsham Street, London SW1 3PY

WELSH OFFICE
New Crown Building, Cathays Park, Cardiff CF1 3NQ

SCOTTISH DEVELOPMENT DEPARTMENT
Pentland House, 47 Robb's Loan, Edinburgh EH14 1TY

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND
Stormont, Belfast BT4 3SS

London: Her Majesty's Stationery Office

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Introduction

- 1.1. This code of practice gives guidance on methods of minimising annoyance or disturbance caused by the operation of loudspeakers fixed to ice-cream vans and similar vehicles used to convey and sell perishable commodities for human consumption to the public. Because most loudspeakers used in this connection are fixed to ice-cream vans and play a chiming call signal, this code of practice refers to 'chimes' and 'ice-cream vans'. The code should however be taken as applying equally to any other sounds made by a loudspeaker fixed to a vehicle from which food is sold to the public in a street.
- 1.2. The code of practice does not in itself create offences or have the force of law, but it is intended to be of assistance to local authorities and magistrates' courts¹ in the exercise of their powers and functions under Part III (Noise) of the Control of Pollution Act 1974², and particularly section 62.³

Legal restrictions on the use of loudspeakers in streets

- 2.1. Under section 62 of the Control of Pollution Act 1974³ it is an offence to operate or permit the operation of any loudspeaker of the 'ice-cream van chimes' type in a street unless the following conditions are complied with:
 - a. the loudspeaker is operated only between the hours of noon and 7 pm;
 - b. the loudspeaker is fixed to a vehicle which is being used for the conveyance of a perishable commodity for human consumption;
 - c. the loudspeaker is operated solely for informing members of the public (otherwise than by means of words) that the commodity is on sale from the vehicle;
 - d. the loudspeaker is so operated as not to give reasonable cause for annoyance to persons in the vicinity.

¹In the application of this code of practice in Scotland references to a magistrates' court should be construed as references to the sheriff.

²In the application of this code of practice in Northern Ireland, references to the Control of Pollution Act 1974 should be construed as references to the Pollution Control and Local Government (Northern Ireland) Order 1978.

³In Northern Ireland, article 42 of the Pollution Control and Local Government (Northern Ireland) Order 1978.

Operating guidelines

General

- 3.1. Annoyance to persons in the vicinity is most likely to be caused if the volume of chimes is excessive, if the chimes are played too frequently or for too long, if the chimes are sounded in areas where people are particularly sensitive to noise, or if the sound of the chimes is distorted. The methods by which such annoyance may be minimised are described in the following sections of this code of practice.
- 3.2. Owners should ensure that the main points of this code of practice are displayed in all vehicles fitted with a loudspeaker of the 'ice-cream van chimes' type, and that it is brought to the attention of all persons concerned with the operation of the chimes; the Annex to this code of practice contains a summary of the code of practice which could be used for display purposes.⁴

Volume

- 4.1. No chimes should be operated which produce a noise level in any direction of more than 80 dB(A).⁵ In addition, when operating in areas where houses are particularly close to the road, such as in narrow streets, it may be necessary to reduce the volume of the chimes below 80 dB(A) to avoid unnecessary disturbance.
- 4.2. Care should also be taken to avoid distortion of the chimes, which may occur if the volume is too high, or if the equipment is faulty or the component parts of the equipment are not correctly matched.
- 4.3. When, for the purposes of this code, the level of noise emitted by the chimes is being measured in accordance with the measurement method described in footnote 5 and the Annex, the restrictions on the use of the chimes recommended in paragraphs 5 and 6 below would not apply.

⁴Additional copies of the summary of the code of practice are available from the Department of the Environment.

⁵Noise measurements should be undertaken with a meter which conforms to BS 5969:1981 (Type 1) (*Specification for sound-level meters*) set to the A-frequency weighting and the S-time weighting. The microphone should be at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

Playing time

- 5.1. The passage of music played should not last more than 4 seconds. Where the mechanism contains a timed cut-out device which can automatically limit the playing time to 4 seconds or less, it should be used.

Frequency

- 6.1. The chimes should be played once only on the approach to each stopping place, never when the van is stationary, and never at intervals of less than 3 minutes.
- 6.2. The chimes should not be played more often than once every 2 hours in a particular length of street.⁶
- 6.3. The chimes should not be played when in sight of another van (whether moving or stationary) which might reasonably be taken to be on the road for trading purposes.
- 6.4. Subject to those considerations, the chimes should be played only as often as is necessary to let customers know that the commodity is on sale from the vehicle.

- How is this enforced?

Use of chimes in sensitive areas

- 7.1. The chimes should not be played in areas where people may be specially sensitive to their sound. In particular they should not be played:
 - a. within 50 metres of any hospital or similar institution;
 - b. within 50 metres of a school during school hours;
 - c. within 50 metres of a place of worship on a Sunday or other recognised day of worship.

⁶A 'particular length of street' should normally be interpreted as being a length of street between 100 and 150 metres long.

ANNEX

Summary of the code of practice on noise from ice cream van chimes etc. 1982

It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:

Do not sound chimes

1. for longer than 4 seconds at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. except on approach to a selling point;
5. when in sight of another vehicle which is trading;
6. when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
7. more often than once every 2 hours in the same length of street;
8. louder than 80 dB(A) at 7.5 metres;*
9. as loudly in quiet areas or narrow streets as elsewhere.

REMEMBER: *It is an offence to sound your chimes before 12.00 noon or after 7.00 pm*

It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance

*Noise measurements should be undertaken with a meter which conforms to BS 5969:1981 (Type 1) (*Specification for sound-level meters*) set to the A-frequency weighting and the S-time weighting. The microphone should be held at a height of 1.2 metres above the ground, and at a distance of 7.5 metres from the loudspeaker. The microphone should, where necessary, be fitted with a windshield and the meter should be calibrated prior to use.

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