

# Report

<b>Body:</b>	General Licensing Committee
<b>Date:</b>	23 <sup>rd</sup> April 2012
<b>Subject:</b>	Setting of Fees and charges in relation to Street Trading in the Borough of Eastbourne
<b>Report Of: Ward(s)</b>	Kareen Plympton, Licensing Manager All
<b>Purpose</b>	To present the General Licensing Committee with the revised Street Trading Policy covering the Borough of Eastbourne post consultation, approval by Cabinet and Full Council, and set the fees and charges associated with such.
<b>Decision Type:</b>	Key decision
<b>Recommendation:</b>	To adopt the new fees associated with street trading activity..
<b>Contact:</b>	Kareen Plympton, Licensing Manager, (01323) 415937. E mail <a href="mailto:kareen.plympton@eastbourne.gov.uk">kareen.plympton@eastbourne.gov.uk</a>

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## 1.0 Introduction

- 1.1 A key Council objective is to increase the vibrancy and vitality of the town, and in particular the town centre. This is embedded in the Community Strategy in the Regeneration & Economy chapter, the Corporate Plan and the Proposed Submission Version of the Eastbourne Town Centre Area Action Plan. A mechanism to provide extra vitality in the Borough is to diversify street trading activity, and to attract a regular street market.
- 1.2 However, as Members are aware, the current Street Trading Policy is somewhat limiting, and does not support general street trading, or the creation of a regular street market, hence the matter being placed under review.
- 1.3 The new Street Trading Policy, considered in February 2012 by both Cabinet and Full Council report seeks to allow a range of managed street trading activities across the Borough.
- 1.4 The Council currently regulates street trading under the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This permits the Council, among other things, to designate streets as "consent streets" or "prohibited streets" for trading purposes.

- 1.5 The new Street Trading Policy will not cover all types of trading on the street, as there are some exemptions, including Pedlars Certificates, which are issued by Sussex Police to individuals who “peddle” or sell their goods from a mobile unit, moving from location to location. This activity is transitory in nature, where customers approach the Pedlar as opposed to the Pedlar directly marketing their wares. Their activity is regulated under the Pedlars Act 1871, which is currently being reviewed by Central Government. Buskers are also exempt, termed as spontaneous entertainment, and are not regulated in the same manner. However, their activity can be managed to ensure that they do not cause a noise, nuisance or disturbance to the locality.

## **2.0 The New Street Trading Policy – What it covers**

- 2.1 The new Street Trading Policy is attached at Appendix 1 A)B) and C) and covers all the streets in the Borough so that applications can be made for all types of street trading in a more structured way.
- 2.2 The Policy covers the streets where trading will be permitted – ‘consent streets’ and those where trading will not be permitted ‘prohibited streets.’ .
- 2.3 The Policy covers the type of trading that can take place; including hours of operation. It also considers the potential impact on established businesses and residents in the area, health and safety implications, and the trading unit itself.
- 2.4 It incorporates the application process, an overview of how decisions are made, conditions aligned to consents, and the process for enforcement. It also considers whether the individual seeking to trade is suitable to do so.

## **3.0 Implementation Timetable**

- 3.1 At its meeting on 22<sup>nd</sup> February 2012, Council made a resolution awarding 'consent street' status to all streets in the Borough, except for the seafront promenade and beach up to high tide, which will be designated as a “prohibited street” where street trading is prohibited unless it is in connection with a pre planned, Council authorised event. Street trading will also prohibited on all classified A Roads, and/or where the speed limit exceeds 30 miles per hour. The consent streets, where the Council considers necessary, will include the allocation of specific ‘pitches’ where street trading can take place to facilitate monitoring and enforcement.” The consent/prohibited designations are expected to be confirmed by the Full Council following the formal statutory advertisement and consideration of any representations arising from the advert.
- 3.2 Further procedural matters were also agreed by Cabinet, and an extract of the minutes are included at Appendix 3. Cabinet also agreed to recommend to Full Council that the Full Council delegates the setting of fees and charges to the General Licensing Committee.

## **4.0 Setting of Fees**

- 4.1 A table detailing the current fees associated with Street Trading within the

borough of Eastbourne and comparisons with neighbouring Authorities is included at Appendix 2

- 4.2 Members will note that fee levels vary widely. Street trading fees in Eastbourne have not been increased for over 5 years and need urgent review.
- 4.3 A table of future fees to be levied in Eastbourne is also suggested. These take into account an inflationary increase of 3%, and factors in additional administrative activity, alongside enforcement and strategic activity.
- 4.4 It is important that these fees are set at such a level that they do not discourage applications, but that they adequately cover the cost of the service.

## **5.0 Recommendations**

- 5.1 Members are recommended to adopt the proposed fees associated with street trading activity.

**Kareen Plympton**  
**Licensing Manager**

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### **Background Papers:**

The Background Papers used in compiling this report were as follows:

Local Government (Miscellaneous Provisions) Act 1982  
Licensing Act 2003  
Street Trading – Eastbourne Policy 1999 – 2011

To inspect or obtain copies of background papers please refer to the contact officer listed above.

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## **STREET TRADING POLICY**

### **1 0 INTRODUCTION SCOPE AND PURPOSE**

- 1.1 Local Authorities have a legal discretion to regulate street trading in their area. If they exercise their discretion they can apply controls across the whole of their administrative boundary or just parts of it. In the early 1980's Eastbourne Borough Council adopted the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 The Council agreed to regulate street trading in certain parts of the town centre, predominantly in the central area or in other areas where street trading activity would be considered inappropriate.
- 1.3 The purpose of this Street Trading Policy is to provide a decision making framework for the consideration of applications for street trading consents.
- 1.4 This Policy aims to create a street trading environment which complements premises based trading, is sensitive to the needs of residents and businesses, provides diversity and consumer choice. It seeks to enhance the character, ambience and safety of the local environment.
- 1.5 Street trading can be a valuable tool to aid the regeneration of Eastbourne's retail centres. The Council's ability to regulate street trading is set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this Policy as "the Act".

### **2.0 DEFINITION OF STREET TRADING**

- 2.1 Street Trading is defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 as:  
  
"the selling or exposing or offering for sale of any article (including a living thing) in a street".
- 2.2 The Act defines the term "street" as including:  
  
"any road, footway, beach or other area to which the public have access without payment"; and a service area as defined in Section 329 of the Highways Act 1980".
- 2.3 Any part of a street is a "street" for the purposes of the Act.

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

(a) a pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;

(b) anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;

(c) trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;

(d) trading as a News Vendor;

(e) trading carried on at premises used as a petrol filling station;

(f) trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop;

(g) selling things, or offering or exposing them for sale, as roundsmen

2.5 For the purposes of street trading activity, streets are designated as either '**prohibited,**' or '**consent streets**' for the purposes of street trading. A definition of the different classifications is set out below

### **3.0 Prohibited Streets**

3.1 If a street is designated as a "**prohibited street**" then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited.

3.2 For example, the street may not be wide enough to facilitate a trader or the Council may wish to restrict trading at a particular location.

### **4.0 Consent Streets**

4.1 If a street is designated as a "**consent street,**" then street trading without a consent is a criminal offence. The Council is bound to act reasonably and consistent with its general obligations, for example those under the Human Rights Act 1998.

4.2 However, subject to this, the Council enjoys a very wide discretion with regard to the granting or refusal of street trading consents. It does not have to rely upon specific statutory grounds in order to refuse an application for grant or renewal of a consent. This may include:

- That there are sufficient traders in the locality;
- The proposed operation is likely to cause noise, nuisance or disturbance There is insufficient space for trading to take place

- 4.3 There is no statutory right of appeal against any Council decision made in respect of a street trading, although in theory a demonstrably unreasonable decision could be challenged by way of judicial review. A street trading consent can only be granted for a period not exceeding twelve months, and can be revoked at any time.
- 4.4 When granting or renewing a consent, the Council may attach any reasonable conditions to it. The Council may, at any time, vary the conditions attached to a consent.
- 4.5 Any such variations will be notified in writing to the named person on the application, and to whom the consent has been approved, and will take effect immediately, or on the date contained within the notification letter.
- 4.6 This Policy facilitates the administration of applications for street trading consents. Central to the Council's policy are a number of objectives which are set out below:-

## **5.0 Council Resolution**

- 5.1 On 22<sup>nd</sup> February Eastbourne Borough Council passed a resolution as follows to designate various streets as "consent" and "prohibited streets."

"The Council hereby seeks to make a resolution awarding 'consent street' status to all streets in the Borough, except for the seafront promenade and beach up to high tide, which will be designated as a "prohibited street" where street trading is prohibited unless it is in connection with a pre planned, Council authorised event. Street trading will also prohibited on all classified A Roads, and/or where the speed limit exceeds 30 miles per hour. The consent streets, where the Council considers necessary, will include the allocation of specific 'pitches' where street trading can take place to facilitate monitoring and enforcement."

- 5.2 The resolution took effect on XXXXXX

## **6.0 Public Safety**

- 6.1 The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction. This would include the consideration of factors such as:- interference with sight lines for road users, and pedestrian access including access for the disabled. The views of the Highway Authority may also be sought in this regard.

## **7.0 Commercial Issues**

- 7.1 Consideration will be given to the number of other traders in the vicinity of the application site and whether the street trading proposed is for a similar type of product or offer. The Policy aims to protect against the over proliferation of street traders, and is mindful of the impact such can have in an existing retail area or other localised issues. **Unless street**

**trading activity forms part of a market, or is taking place within one of the five designated pitches within the town centre, no more than one street trader shall be permitted to operate in a consent street at any one time.**

## **8.0 Prevention of Crime and Disorder**

8.1 The proposed activity should not present a risk to crime, disorder or give rise to anti social behaviour and related nuisance. This is likely to be more of an issue in respect of applicants wishing to trade in the later hours, or where the area is a crime hotspot or has an issue with anti social behaviour and nuisance.

## **9.0 Prevention of Public Nuisance**

9.1 Consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells. **The street trader shall be personally responsible for the removal and disposal of any waste created by that activity. He/she shall return the area back to its original condition at the conclusion of each trading occasion.**

## **10.0 Site Assessment**

10.1 The Council will identify suitable pitches for street trading and will also consider applications from individuals to create new pitches in specific locations if the applicant can demonstrate a clear demand for the goods or service to be provided.

10.2 Consents may be issued to mobile artists who sketch or paint, sell their work and move from a location to location **which will be specified on the consent.**

10.3 In determining whether to create a street trading pitch, the Council will have regard to:

- Any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving;
- Any loss of amenity caused by noise, traffic or smell;
- Existing traffic orders;
- Any potential obstruction of pedestrian or vehicular access, **for example where the road by its overall design makes street trading unsuitable, it is narrow or one way;**
- Any obstruction to the safe passage of pedestrians;
- The safe access and egress of customers and staff from the pitch and immediate vicinity.
- **The proximity of such to business and/or residential accommodation where is likely to cause noise, nuisance or disturbance.**

10.4 **There shall be 5 designated street trading pitches within the Town Centre. (these are detailed in Appendix C) The Council will also**

**reserve the right to suspend these pitches at any time to accommodate works on the highway, and to facilitate other street scene activity.**

- **The size of one pitch shall be no more than 3 metres by 3 metres in size and will be located:**

### **11.0 Consultation For New Pitches**

11.1 Before a new pitch is created, the Council will consult for a minimum of 28 days, and seek representations from:

- Occupiers of premises immediately adjacent and opposite the proposed location;
- Ward Councillors;
- Sussex Police;
- East Sussex County Council.
- **Other parties the Council considers appropriate.**

11.2 The Council will also consider any responses received in relation to public notices on the highway.

11.3 Any objections from consultees will be assessed against the criterion set out above, but this list is not exhaustive. An application will **normally** be determined by the Council's Licensing Manager, but **in exceptional circumstances**, may be referred to a Licensing Sub Committee for consideration.

### **12.0 Sustainability and Product Type**

12.1 The applicant should set out measures to reduce the environmental impact of the proposed activity. Typically, this could include the use of recyclable products and energy efficient processes. Consideration will also be given to the type of products sold, and the suitability of the products at the location requested, particularly where there are established outlets selling similar products. **The sale or supply of live animals shall be strictly prohibited.**

12.2 In general, street trading consents will not be granted where the product to be traded is similar to products sold within existing outlets in the direct vicinity. Goods will normally consist of craftwork, fresh flowers and foodstuffs. Other types of trading, including the provision of services will be considered on a pitch by pitch basis.

### **13.0 Hours of Operation**

13.1 Street trading hours will normally mirror those of existing outlets in the immediate vicinity. In the case of food outlets, trading hours will be determined on a pitch by pitch basis.

13.2 In addition to these Policy Objectives, the Council will also consider:

## **14.0 Suitability of Trading Unit**

14.1 The vehicle, trailer or stall to be used will be of a high quality design/build, and will add to the quality of the street scene. It will be approved by the Council's Licensing Manager, and will be inspected by Authorised Officers of Eastbourne Council prior to any consent or licence being issued. **The unit shall comply in all respects with any legal requirement relating to the trading activity proposed. It must also be deemed roadworthy, and comply with any relevant traffic provisions and laws.**

14.2 It includes the following legislation, and any subsequent revisions:-

- (a) Food Premises (Registration) Regulations 1991
- (b) Food Safety Act 1990
- (c) Food Premises (Registration) Regulations 1991
- (d) Food Safety Act 1990
- (e) Food Safety (General Food Hygiene) Regulations 1995 (as amended)
- (f) The Food Safety (Temperature Control) Regulations 1995
- (g) Health and Safety at Work etc Act 1974 and any regulations made under this Act.
- (h) Environmental Protection Act 1990
- (i) Licensing Act 2003

14.3 **A pitch is defined as an area of space measuring no more than 3 metres by 3 metres per trading unit. Where this is exceeded, the Council may take enforcement actions and/or charge a supplementary fee.**

## **15.0 Suitability of Applicant**

15.1 When determining an application for the grant or renewal of a street trading consent, the Council will consider all relevant information relating to the suitability of the applicant to hold such a permission. Applicants are advised to familiarise themselves with the Street Trading Relevant Offences Policy before making an application or renewing a consent.

15.2 All applicants and where appropriate, trading staff will be subject to a police check to establish that they are "fit and proper" to be issued a **consent.**

15.3 Any convictions or proven criminal behaviour will be assessed against our Relevant Offences Policy. In summary, the Council will consider a number of factors including:

- (a) whether the applicant has been convicted of any relevant offence;
- (b) persistent refusal or neglect in paying fees due to the Council for a street trading consent, or licence, or for any other charges due for services rendered by the Council to the applicant in his/her capacity as

the holder of a street trading consent or licence. Examples of such services include collection of refuse and cleansing of streets.

- (c) previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent or a **breach of Council licence permissions to occupy land**.
- (d) Complaints regarding the conduct and behaviour of the consent holder.

## **16.0 SUBMITTING AN APPLICATION**

16.1 Application forms are available from

The Licensing Team  
1 Grove Road  
Eastbourne  
BN21 4TW  
[eastbourne.gov.uk/licensing](http://eastbourne.gov.uk/licensing)

16.2 The following will be required to be submitted with the application:-

- (a) A completed and signed application form.
- (b) The application fee.
- (c) Where the proposed activity will take place at a fixed position a map of at least 1:200 scale should be submitted clearly identifying the proposed location by marking the site boundary with a red line.
- (d) Two colour photographs of the trading unit illustrating different elevations of the unit.
- (e) A copy of the certificate of insurance covering third party and public liability risks to the level of £5 million.
- (f) 2 colour passport photographs of the applicant.

## **17.0 WHO WILL THE COUNCIL CONSULT?**

17.1 Before any consent is granted, the Council will normally consult with the following agencies or persons. A period of **twenty eight days** will be **allowed for comments to be received. The application will normally be determined within ten working days after the initial consultation period of 28 days. Applicants are therefore advised to make application to trade in good time of any proposed activity, otherwise the application may be refused.**

- (a) Sussex Police
- (b) Planning Department (Eastbourne Borough Council) (EBC)
- (c) Highways Department (East Sussex County Council ESCC)
- (d) Health and Environment Noise Team (EBC)

- (e) Food Safety Team (EBC)
- (f) Ward Councillors (EBC)

## **18.0 HOW THE COUNCIL MAKES ITS DECISION**

- 18.1 If, when undertaking consultation on an application, no adverse representations are received, or where representations can be resolved by way of mediation, then the application will **normally** be decided by the Council's Licensing Manager.
- 18.2 Where representations are received and remain unresolved, the application may be heard by a Licensing Sub Committee. The applicant will be advised in writing of the date, time and place when the application will be heard. The Council will follow its standard Licensing Sub Committee procedure.
- 18.3 **In the event of a street trading consent, the law does not currently offer a right of appeal. However, the Council will, where it considers appropriate, offer reasons for refusal.**
- 18.4 The Council will also reserve the right to suspend these pitches at any time to accommodate works on the highway, and to facilitate other street scene activity.

## **19.0. DURATION OF PERMISSIONS AND FEES**

- 19.1 Street trading consents will normally be issued for one of the following periods:
  - (a) Daily
  - (b) Weekly
  - (c) Monthly
  - (d) Quarterly
  - (e) 6 months
  - (f) Annual (a maximum of 12 months)
- 19.2 Permissions for more than one day's duration will normally be issued for a maximum of **2** days per week, unless an alternative arrangement has been agreed with the Council.
- 19.3 All fees must be paid in full in advance, otherwise the application will be deemed invalid. A list of the fees and charges is included at Appendix A
- 19.4 If a permission is revoked or surrendered, no refund of the fee will be made. Failure to maintain payments may result in the consent or licence not being renewed, or the consent being withdrawn/ deemed to have lapsed.
- 19.5 Where a consent has been approved for a particular individual or operation, this does not set a precedent, nor create an entitlement that

that individual will be granted a permission for that, or another location within a consent street.

## **20.0 CONDITIONS AND ENFORCEMENT**

- 20.1 Standard conditions are contained at Appendix B. These will usually be attached to every consent. These conditions include details regarding the holder's responsibility to maintain public safety, prevent nuisance, and to preserve local amenities.
- 20.2 Further conditions may also be attached, limiting the days and the hours when street trading is permitted, the goods which may be sold, the size of the trading pitch or any other matter the Council deems appropriate.
- 20.3 Failure to comply with conditions may lead to revocation, or non-renewal of a consent.
- 20.4 Persons engaging in street trading (as defined in the Act) without a consent or who fail to comply with the conditions will be liable to prosecution under paragraph 10 of Schedule 4 of the Act.
- 20.5 Decisions regarding enforcement action will be made in accordance with the Licensing Enforcement Policy adopted by the Council.

## **APPENDIX A**

### **GENERAL CONDITIONS THAT WILL NORMALLY BE ATTACHED TO STREET TRADING CONSENT**

1. The consent may not be transferred to any other person or business.
2. The consent holder shall not permit any person to exercise the consent in his/her absence, unless that person is directly employed by the consent holder, and is at least 17 years of age. That person must be duly authorised in writing by the consent holder, and of whom the Council has been informed, and the appropriate checks undertaken to ensure that person is suitable prior to them undertaking street trading activity..
3. The consent holder shall only trade on the days and between the times stated on the consent.
4. The consent holder shall only trade using the appropriate stall, barrow or basket or other receptacle or vehicle in any street, which is specified in the consent, and which has been duly inspected and authorised by the Council's Licensing Manager. This must be removed from the specified site at the end of each trading day for store age at a location that is not the public highway.
5. The consent holder shall not sell, expose or offer for sale any articles other than those specified on the consent.
6. The consent holder shall not carry on business on any street so as to cause noise, nuisance, obstruction, noxious smells, or cause danger to people/vehicles using the street complying will all highway safety and access requirements.
7. The consent holder shall not carry on business from any vehicle or erect or place any stall or other structure in any street except in the area specified in the consent.
8. The consent holder shall on all occasions, when carrying on business, be strictly sober, and conduct him/herself in a proper, civil and courteous manner. He/she shall not carry on his/her business in such a way as to cause annoyance to the occupier or person in charge of any shop, business, resident, or any person using the street in the vicinity of the pitch.
9. The consent holder shall at all times conduct his/her business and position any vehicle used by him/her in connection with his/her business in such a manner that no danger is likely to arise to persons trading or intending to trade.
10. The consent holder shall at all times conduct his/her business in a clean and tidy manner.

11. The consent holder shall ensure that a copy of the consent available for inspection on request by an Authorised Officer of the Council or Sussex Police. It must also be displayed on the stall/vehicle at all times trading is taking place.
12. The consent holder shall not permit any person to assist him/her in his/her trading unless the details of that person have been supplied to the Licensing Authority. Any such person shall be issued with an identification badge by the Licensing Authority, Eastbourne Borough Council.
13. The Trader shall at all times whilst trading wear in a prominent position an identity badge provided by Eastbourne Borough Council.
14. The Trader shall be insured against any claim in respect of a third party liability whilst trading under a consent. No consent will be issued until a current and valid public liability policy has been produced to the Council Licensing Manager to the value of £5 million. This insurance must also be made available on request to an Authorised Officer of the Council.
15. If, during the currency of any consent there is any material change in the facts of particulars and information contained in, or given along with, the application for the consent, the holder of the consent shall report such changes to the Licensing Authority within 72 hours of that change.
16. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e insurance, tax and MOT to make the use of that vehicle on a road legal. These documents will be produced by the consent holder to any Police Officer or Authorised Officer of the Council.
17. Neither the consent holder, nor any assistant shall display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
18. A consent holder selling food shall at all times comply with any food hygiene regulations in force at that time, and when required by the Licensing Authority, shall produce appropriate food handling certificates.
19. The Council reserves the right to alter or amend these conditions at any time.
20. The sub-letting of any consent is prohibited.
21. The consent holder shall be responsible for the temporary storage of refuse, liquid and other material accumulated or created whilst trading and its subsequent removal from the site. The removal and disposal must be to the satisfaction of the Council.
22. The consent holder shall ensure that there are adequate fire safety measures in place.

**N.B This consent is issued without prejudice to any other statute, by-law or regulation. This consent does NOT over-ride any regulations regarding parking, food hygiene, obstruction, etc**

## **APPENDIX B**

### **Street Trading Policy**

#### **GUIDELINES ON THE RELEVANCE OF CONVICTIONS**

Eastbourne Borough Council has a duty to ensure that a person is deemed suitable to operate as a street trader. The applicant must declare all convictions and cautions at the time of application or renewal. Failure to do so may result in the application being refused.

The Council will consult with Sussex Police and other Partners as appropriate in determining whether the street trader is suitable to carry out a business in the Borough. This Policy is a guide to the matter the Council will consider when determining an application, but it is not an exhaustive list. Applicants are advised to seek independent legal advice as appropriate.

#### **General Principles:**

1. Each case will be decided on its own merits. However, the Council may refuse to grant or renew a street trading consent on any of the following grounds:
  - (i) There has been a conviction/caution for an offence involving dishonesty, indecency, certain sexual offences, violence or drugs;
  - (ii) There has been a conviction/caution for an offence under the relevant licensing legislation;
  - (iii) Any other reasonable grounds.
2. If a period of imprisonment, community sentence or Court Order is imposed, the applicant must show a minimum of 3 years without further convictions from the end of imprisonment or sentence, not the reduced sentence.
3. A person with an unspent conviction as defined in The Rehabilitation of Offenders Act 1974, for serious crime need not be permanently barred from registration, but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained.
4. Some discretion may be appropriate if the offence is isolated, and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
5. The following examples afford a general guide on the action to be taken where convictions are disclosed, or admitted, but it does not form an exhaustive list:
6. Where an individual's suitability is called into question, the Licensing Manager will normally determine the matter. In exceptional cases, the matter may be referred to a Licensing Sub Committee for determination, whose decision is final.

### **Offences involving violence**

- It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or other more serious offences involving violence, at least five years should elapse before an application is considered.

### **Drug- related offences**

- An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs need not necessarily debar an individual from registration, providing the applicant has at least three years free of convictions/cautions or five years since detoxification if he/she was an addict.

### **Indecency offences**

- Applicants with indecency or sexual offences would normally be debarred. However, this will depend upon the age and circumstances of the offence, along with any registration on the Sex Offenders Register.

### **Theft & Dishonesty**

- Convictions for isolated minor offences would not normally debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is considered that at least five years should elapse before an application is submitted.

## **Appendix C**

### **Street Trading Policy**

#### **Consent & Prohibited Streets in the Borough**

All of the streets in the Borough of Eastbourne are designated as "consent streets," where, subject to the necessary licence consent being in place, street trading is permitted.

The Town Centre is the area bounded by the blue line on Appendix C, and mirrors the area defined in the Town Centre Area Action Plan. With the exception of authorised street markets/events taking place in the Town Centre, the Council has designated a maximum number of "pitches" from which street trading can take place. These locations are:

**There shall be 5 designated street trading pitches within the Town Centre which will be offered on a rotational basis, for a period to be determined by the Council's Licensing Manager. However as a guide, this will not normally exceed a period of 2 weeks, albeit each application will be considered on its merit. This approach aims to ensure variety and vibrancy in a set location. The Council will also reserve the right to suspend these pitches at any time to accommodate works on the highway, and to facilitate other street scene activity.**

**The size of one pitch shall be no more than 3 metres by 3 metres in size and will be located:**

**Pitch 1 Terminus Road, Bankers Corner**

**Pitch 2 Terminus Road in the paved precinct , in close proximity to Pevensey Road.**

**Pitch 3 Within the Cultural Crescent, Terminus Road/Langney Place**

**Pitch 4 Corner of Terminus Road/Bolton Road in the paved precinct area.**

**Pitch 5 Terminus Road, centre of Sussex Gardens**

"Prohibited Streets," are identified as those which are designated as a classified "A Road," and/or where the speed limit for that road exceeds 30 miles per hour. It also includes the seafront promenades, and the beach up to high tide mark. In "prohibited streets," street trading is not permitted.

Where a street is awarded consent status, any applications will be considered within the context of the broader Street Trading Policy