



**Lewes District Council**

# **Street Trading Guidance**

**Including Tables and Chairs Permits on  
Pedestrian Precincts**

**2020**

## **Lewes District Council Street Trading Guidance**

### **1) Introduction**

The Council has exercised its powers to control Street Trading since the Local Government (Miscellaneous) Provisions Act 1982, Schedule 4, enabled it to do so. These powers have been used to regulate such trading in Lewes, Newhaven and Seaford town centres along with the A26 and A27 main trunk roads. The Council has resolved to make the following streets as “Consent Streets” in its District.

Lewes Town:- Cliffe Bridge, Lewes Pedestrian Precinct, High Street up to junction with Rotten Row, Cliffe High Street, School Hill, Lansdown Place, Eastgate Street, Friars Walk

Newhaven Town: - Newhaven Pedestrian Precinct in Newhaven Town

Seaford Town:- Station Approach, Clinton Place, Sutton Road, Broad Street, Church Street, Church Lane, High Street, Place Lane, South Street, Saxon Lane, Marine Parade, The Esplanade, and all streets 50 metres inland from Marine parade and the Esplanade.

A26 and A27 Trunk Roads.

Anyone wishing to trade in controlled streets will need to obtain “Consent”. Any Consent can be made subject to conditions which the Council consider are reasonably necessary. This means that a person trading without the consent of the Council will be guilty of an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **2) Guidance Scope and Purpose**

In view of the wide discretion the Council has to control Street Trading, this Guidance sets down how its powers will be delivered and the aims and purpose it has in using its powers.

In administering the Street Trading controls the Council aims to:

- a) recognise the importance and contribution of regulated businesses to the wellbeing of the local economy;
- b) enhance the reputation and economic diversity of the area;
- c) balance the rights and needs of the residential and business communities;
- d) protect public safety and promote risk reduction;
- e) protect the permanent business community from unfair and unlawful competition;
- f) protect and, where possible, enhance the amenity and character of the District and local communities within it;
- g) prevent crime and disorder;
- h) promote sustainability and reduce adverse environmental impacts of trading in streets;

- i) promote and protect public health and prevent nuisances;
- j) promote equality and balance everyone's rights;
- k) ensure coherence with Council policies;
- l) ensure coherence with relevant legislation; and
- m) promote fairness, transparency and consistency.

A maximum of 4 individual pitches will be granted on any one day (not including markets) and there shall be a maximum of 3 market days per calendar month in a pedestrian precinct.

### **3) Consideration of Applications for Street Trading Consent and their Administration**

In considering applications and subsequently regulating Consents the council will work within the following principles:

- a) Nothing in this Guidance will undermine the rights of any person to make an application for a Consent and to have that application considered on its merits or, override the right of any person to make objections about such application and any decision resulting from it.
- b) Adherence to the Council's Enforcement Guidance and other relevant Council policies.
- c) Observing presumptions against granting Consent as set out in paragraph 4 below.
- d) Seeking compliance with all relevant legislative requirements.
- e) Ensuring the suitability of applicants, their proposals and their appropriateness to the proposed trading location.
- f) Consultation with interested parties and enabling the consideration of relevant views and concerns as part of our decision making.
- g) Ensuring applicants and anyone that may be affected by an application have reasonable opportunities influence our decisions.
- h) Making our processes clear and easy to access.
- i) Aiming to be as consistent as the council can in delivering our responsibilities for Street Trading control.
- j) The Council may at any time vary the conditions on a street trading consent.

### **4) Presumptions against Granting Consent**

Whilst all applications will be considered on their merits the following factors are likely to be influential in any refusal:

- a) Significant risks to the public in terms of highway safety and obstruction such as interference with sight lines, junctions, accesses, pathways and crossings.
- b) Conflict with traffic orders.
- c) Activity likely to present a crime or public disorder risk.
- d) Activity likely to cause nuisance e.g. noise, light, odour, refuse, and litter or encourage vermin.
- e) Sales, products or activity with an adverse environmental impact.
- f) Sales, products or activity that offend public decency, or that presents a public health risk.

- g) Sales, products or activity that is inappropriate for the location e.g. sale of firearms, sale of animals.
- h) Lack of commercial need.
- i) Applicants with relevant unspent convictions, unpaid debt or previous Street Trading contraventions.
- j) Failure to meet legislative requirements, including risk assessment, relevant to the activity proposed or location, especially with regard to public safety.
- k) Failure to obtain or complete other necessary consents or registrations e.g. planning, licencing, food, waste disposal.
- l) Failure to put in place measures to prevent uncontrolled fire or explosion risk.
- m) Trading on or close to Bonfire Night in the Lewes town area.
- n) Lack of suitable insurance cover to a level of at least five million pounds (£5m).
- o) Direct competition, in terms of goods sold, with fixed businesses or other Street Traders within 100m unless a market operator with a variety of goods.
- p) Trading close to the boundaries of hospitals or care premises (within 250m) or schools (500m).
- q) Trading within any Council owned car park.
- r) Use of any vehicle, trailer or stall that fails to match or enhance the quality of the street scene.
- s) Any activity or product that compromises child safety or wellbeing.

**5) Street Trading Consent does not:**

- a) permit trading outside the terms of the Consent;
- b) indicate that the unit is exempt from business rates;
- c) override parking restrictions or any other traffic regulations; or
- d) imply approval under any other system of control or regulation e.g. planning or licensing.

**6) Deemed Consent**

The following activities are deemed to already have consent and therefore an application is not required to be submitted.

- a. Local Authority land including Town and Parish Council's that is used for car boot fairs, charitable, local authority organised and community type events (where an admission charge is not made for entry) (i.e. outdoor school fayres, carnivals, fund raisers, car boot sales)
- b. Individual householders immediately outside their own home
- c. community group sales without profit (such as churches, village halls etc.)

**7) Consultation**

In order to assist its decision making with Street Trading Consent applications the Council may consult with a range of organisations for applications to trade for more than 3 months, which may include those listed below or others as appropriate. A period of 28 days will usually be allowed for comments to be received.

- Sussex Police.
- East Sussex Fire and Rescue Service.
- The Highways Authority, Children's Safeguarding Team, Public Health and Trading Standards Service at East Sussex County Council.
- Various sections of Lewes District Council including Planning, Public Health and Noise Control Team, Commercial Food and Occupational Safety Team, Parking Team, Neighbourhood First, Enterprise and Regeneration Team.
- Relevant Ward Councillor of Lewes District Council.
- Relevant East Sussex County Councillors
- Town and Parish Councils.
- Local business groups or their representatives.
- Immediate neighbours, commercial and domestic (usually by Public Notice in the area).

## 8) Conditions

General conditions will be attached to every **Street Trading** Consent detailing the holder's responsibilities. Additional conditions may also be attached which relate to the type of activity and location for which the Consent is granted.

The conditions may limit such things as: 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 relevant matter.

Where consent is granted for the pedestrian precinct in either Newhaven or Lewes it may be necessary for a limited number of occasions to suspend street trading for community events or for operational and safety reasons.

For details of the conditions see the appendices to this guidance. Persons engaging in Street Trading (as defined in the Act) without a Consent or who fail to comply with the conditions may be liable to enforcement action including: prosecution; revocation; non-renewal of Consent and, in exceptional circumstances, use of its powers to seek an injunction. Decisions regarding enforcement action will always be made in accordance with the Council's Enforcement Guidance.

Other markets or special events e.g. farmers or continental markets or late night Christmas shopping events may require consent. In such cases the Council will issue a single Consent to the organiser which will cover all traders at the event.

Where a market has been granted consent they shall be exempt from being required not to sell similar goods to adjacent fixed businesses due the nature of them being a market selling a variety of goods. However there may be a requirement to limit the number of lines of particular goods.

## **9) Bonfire Night**

Street Trading Consents that are granted for any days other than Bonfire Night will be prohibited from operating on Bonfire Night in the Town of Lewes. A separate application will be required to be submitted to the Council for Street Trading on November 5<sup>th</sup> or the preceding Saturday if this falls on a Sunday. Applications for trading, which are located on consent streets are unlikely to receive Consent. Consent on these streets will only be granted in exceptional circumstances and additional conditions to promote public safety will be attached to any Consent granted. Applications for other streets will be assessed on their individual merits in consultation with the normal agencies.

## **10) Complaints and Enforcement**

Legitimate complaints will be fully investigated in accordance with our procedures. Consent holders are expected to liaise with the Council to resolve complaints about them. Substantiated complaints may result in enforcement action being taken or a Consent being revoked. Such decisions will be made in accordance with the Councils Enforcement Guidance.

Where it is necessary to revoke a consent for contravention of conditions the consent holder shall be able to appeal the decision of the Licensing Senior Specialist Advisor and a report shall be prepared and presented to the Licensing Committee.

Complaints may also be taken into account when considering an application to renew a Street Trading Consent.

Planning permission may be required for the use being applied for under the street trading guidance; pre application advice should be obtained from the planning department to ensure the correct permissions are obtained prior to the use being implemented. Please contact [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk) to ensure the use proposed does not breach planning regulations.

## **11) Review of the Guidance**

This Guidance will be reviewed every five years. At the time of the review, the council will again consult all interested parties. As well as the five-yearly reviews, the council will continue to evaluate the guidance and may update it at any time. Any minor changes can be agreed by the Chair of the Licensing Committee in consultation with the Senior Specialist Advisor.

## **12) Exemptions**

The following fall outside of the Council's Street Trading controls, but may require consent or approval from other agencies:

**Charitable Stalls in Lewes District Council Precincts Newhaven and Lewes**

A separate application will be required to trade on the Council's land available from the Licensing Team at the Council.

**Pedlars** - Pedlars operate under the Pedlars Act 1871 and must obtain a Pedlar's Certificate from the Police. Pedlars are people who sell from place- to-place and cannot sell from a fixed pitch; they must move around and not wait for customers to come to them, they cannot stand in any one place for a considerable time, nor can they exhort those passing, to buy their goods. Pedlars can carry their goods and can use a wheeled trolley to transport them.

**Hair braiding, face painting, henna tattoos etc.** - The law which governs Street Trading relates to the selling of articles and, as such, people who provide a service e.g. hair braiders, are not considered by the Council to be trading for the purposes of the legislation. However, if quantities of accessories used in hair braiding are also offered for sale then this would be Street Trading and may require a Street Trading Consent. Persons providing services in the street should take care not to cause any nuisance or obstruction as this could result in the Police or another authority taking action.

**Busking** – Can be controlled by the Council, in conjunction with the Police if need be. If a busker, or a group of buskers, act in such a way as to cause a nuisance, then they may be asked to cease and leave the area. Buskers using amplified music will not be tolerated.

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

**Rounds Man** - Selling, offering or exposing for sale things as a rounds man does not require a Consent to trade.

**Markets/Fairs** – Street Trading Consent is not required for trading at market or fairs which are established by virtue of a grant, enactment or order.

**Streets Adjoining Premises** – Street Trading Consent is not required for premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.

**A Trunk Road Picnic Area** - provided by the Secretary of State under Section 112 of the Highways Act 1980.

**A Petrol Filling Station** - trading carried on at premises used as a filling station does not require Consent for Street Trading.

**Highways Act 1980** the use for trading of an object or structure placed on, in or over the highway and the operation of facilities for recreation or refreshment under part 7A of the Highways Act 1980.

**Street Collections** the doing of anything authorised by regulations made under section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916.

### **13) Precinct Permits for A Boards, Tables and Chairs**

The street trading provisions of the Local Government (Miscellaneous Provisions) Act 1982 regulate the activities of traders and Farmers' Markets. However, they do not apply to shops/cafes that extend their business out onto the precincts, advertising boards or (for example) political parties, which are campaigning from a stall.

On 22 July 2020 ("2020 Act") the Business and Planning Act 2020 came into force. This permits the Council to issue licences for tables, chairs etc on highways including pavements. These are called pavement licences. The 2020 Act temporally replaces the relevant provisions of the Highways Act 1980 ("the 1980 Act". The 2020 Act which will cease to have effect on 30 September 2021 (unless further extended). It is intended that pavement licences will provide a quicker and simpler process to the 1980 Act regulatory regime.

In order to assist businesses the Council has decided to not charge an application fee for pavement licences.

Applicants can apply electronically to the Council who will consult with the Highways Authority and other key stakeholders. The application will have a consultation period of 7 days and then the application will then be determined within 7 days taking into account consultation comments and the details of the proposal. The whole process should take no more than 15 days and further details can be found on the Council's website.

Once the relevant parts of the 2020 Act no longer apply (expected to be from 30 September 2021) the following will again apply to precinct permits for A Boards, tables and chairs.

Precinct permits are usually controlled by Section 115 (A-K) of the 1980 Act. Lewes and Newhaven pedestrian precincts have the benefit of a pedestrian planning order and as such the use of the precincts is controlled by the District Council.

### **Street Cafes**

Street Cafes requiring the placing of table and chairs for the purpose of serving refreshments outside businesses already having a premises in the Lewes or Newhaven precincts will require a permit.



Lewes District Council generally supports and encourages the provision of street cafés in town centres within the district, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live and work in the district.

This guidance is intended to help businesses understand where street cafes might be encouraged and whilst the provision of street cafes is encouraged, it is important that they are properly administered and managed to ensure that they meet the legal requirements and the high standards expected by the Council.

### **Advertising Boards**

Advertising boards placed immediately outside the frontage of the business are acceptable but any 'A' boards on a precinct not immediately outside the business will require a permit.

### **Street Collections**

A street collection is permissible on a Farmers' Market Day - first and third Saturday each month. However, no additional permissions will be granted for use of Lewes pedestrian precinct on this day with the exception of tables and chairs permission.

On receipt of a satisfactory application the required date will be allocated, subject to availability, and a permit issued with a copy of the original application. All conditions of use must be adhered to along with any additional conditions that may be applied to a specific use on the permit.

### **General Criteria**

Anyone wishing to apply for a Precinct Permit for A Boards, Tables and Chairs should read this guidance and detailed conditions to check that their proposal meets all the criteria.

Although each application will be considered on its own merits this guidance contains key points that must be considered in every case.

- a) The area for which a precinct permit is sought must be a highway as defined by S115A Highways Act 1980, namely a pedestrian planning order is in force;
- b) Before considering a precinct permit Lewes District Council must carry out consultations and publish a Notice in accordance with the Highway Act 1980. The Council must take into consideration all representations made to them when considering an application for a precinct permit.
- c) The Council will not permit any objects to be placed on the highway, which will cause a hazard or an obstruction to the free flow of pedestrians, prevent the normal access to premises adjoining the highway, access by emergency or service vehicles or to prevent statutory undertakers and operators of

electronic communications code network having access to any apparatus in, on or over the highway.

- d) Precinct Permits for tables and chairs will only be issued to cafes, restaurants, public houses or other catering establishments that serve food and drink within the premises and employ sufficient staff to provide table service to the outside area and have sufficient provision of sanitary conveniences for use by the public.
- e) In considering such applications the Council will give particular consideration to Section 17 of the Crime and Disorder Act 1998 therefore prior to granting any consent for tables and chairs within the highway, the Council will pay particular regard to any potential for crime or disorder arising either directly or indirectly from the consent and will give significant weight to the views of the local police.
- f) To protect the attractiveness of the streets, the council will require:-
  - The appearance of the tables and chairs must ideally enhance, or at least not be detrimental to the street scene.
  - The tables and chairs and their associated activity must not cause environmental problems or detract from the amenities of adjacent retailers/occupiers. For example, there must be no litter problem, smells from food sales, or noise, so as to cause nuisance or annoyance.
- g) The Council will ensure that the layout of the furniture will provide adequate access and circulation space for all customers including wheelchair users and those with push chairs, buggies, and members of the public with mobility issues etc.
- h) The Council will generally apply hours of operation between 9am to 6pm from Monday to Sunday for tables and chairs permits. The Council in approving such applications will have regard to an applicant's previous track record of compliance with the conditions attached to any previous permit or compliance with other associated conditions controlling their trade.
- i) The Council will require that all glasses, crockery and other ancillary items used in the permitted area, are made of a toughened material. All glass-bottled drinks, including alcoholic drinks must be served in toughened drinking glasses. Glass bottles are not allowed in the permitted area.
- j) The Council will not permit music to be broadcast on to the permitted area.
- k) The Council will not accept an application unless the following have been provided:
  - A completed application form
  - Correct fee
  - Plans (Pitch Layout and photos)
  - Evidence of public liability insurance

- l) The Council's standard conditions will be applied to all "Precinct Permits" for tables and chairs. In addition to the standard conditions the Council may also impose special conditions on individual precinct permits for tables and chairs.
- m) Tables and chairs placed on the precinct without permission are an obstruction of the Highway. Any person who has placed tables and chairs on the precinct without a valid precinct permit issued by Lewes District Council will be referred to the Highway Authority for enforcement action.
- n) Permits will be granted for areas up to a distance of 2 metres immediately outside the frontage to their premises

#### **14) Guidance Appendices:**

Applications and Renewal processes; Fees; General Conditions and specifically conditions relevant to:

- A. General Conditions
- B. Motor Vehicle Conditions
- C. Fixed Site Conditions
- D. Stall Design and Dimensions
- E. Food Related Conditions
- F. Gas Safety Conditions
- G. Public Service and Charitable Use of Lewes and Newhaven Precincts Conditions
- H. Use of Petroleum Conditions
- I. Precinct Permits

Advice and guidance regarding:

- J. Definitions
- K. Guidance on Criminal Offences
- L. Offences

## **Application Process for Street Trading Consents**

### **Applications, Renewals and Fees**

Application forms and guidance are available at Licensing Office (see below) or can be downloaded from the Council website <https://www.lewes-eastbourne.gov.uk/licensing-and-registrations/>

Applications can be submitted by post to or delivered by hand to:

Licensing  
Lewes District Council  
Southover House  
Southover Road  
Lewes  
BN7 1AB

Alternatively they can be submitted electronically to: [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk)

If you are in Seaford you will need to apply to [Seaford Town Council](#) directly.

### **Submitting a New Application**

**The following will be required to be submitted with the application:**

- a. a completed and signed application form;
- b. two forms of identification of the applicant;
- c. two passport sized photographs of the Applicant;
- d. the full application fee which is refundable if the application is refused. This can be paid by card over the phone (01273 484354) or by cheque payable to "Lewes District Council";
- e. a copy of a certificate of Public Liability Insurance cover for at least £5,000,000 (five million pounds). You must not trade unless you have given us a copy of your insurance certificate. You must also give us evidence proving you have renewed insurance cover if it ends before the Consent does;
- f. if trading is to take place from a fixed site, a map should be submitted showing all streets within a radius of at least 500 metres of the proposed site. This should clearly identify the proposed location by marking the site boundary with a red line; and
- g. a plan which clearly shows the dimensions of the unit i.e. vehicle, trailer, stall, tent etc. and three colour photographs of the trading unit illustrating different elevations of the unit.
- h. For food businesses, evidence that it is properly registered with the appropriate Council and both applicant and assistants are adequately trained

and competent in food safety and hygiene, e.g. it is recommended that food hygiene training is completed to at least Level 3.

**The following may be required with the application:**

- i. Basic Disclosure and Barring Services check (also known as a Criminal Records Check). Not more than one month old unless a previous DBS check has been submitted to the Authority within the last 12 months.
- j. Written permission from land owner to use the site for the purposes of Street Trading.
- k. MOT certificate and, as a minimum, third party insurance documents where a motorised vehicle will be used for Street Trading.
- l. If appropriate, a current Gas Safety Certificate. This is to be kept up to date throughout the period of Consented Trading.
- m. Evidence that appropriate consents, permissions and licenses have been obtained or applied for e.g. Planning, Building Regulation, Licensing Act such as for late night refreshment, sale of alcohol or provision of entertainment.
- n. Such other particulars as the Council may reasonably require.

**Renewing an Application**

To ensure continuity of an existing Consent, application for renewal should be made **at least 28 days prior to the expiry** of the Consent. **Failure to do this may result in the Consent being cancelled and a new full application having to be made. The following will be required to be submitted with a renewal application:**

- a. A completed and signed renewal application form.
- b. The appropriate fee in full which is non-refundable unless circumstances are exceptional. This can be paid by card over the phone or by cheque payable to "Lewes District Council".
- c. New photos of the applicant if appearance has changed.
- d. A copy of a Certificate of Public Liability Insurance cover for at least £5,000,000 (five million pounds)
- e. a plan which clearly shows the dimensions of the unit i.e. vehicle, trailer, stall, tent etc. and three colour photographs of the trading unit illustrating different elevations of the unit.
- f. Such other particulars as the Council may reasonably require

### **Mobile Traders and Trading from Multiple Sites**

Some applicants may wish to engage in Street Trading from a number of locations across the District rather than from a fixed location.

In such cases applicants must, when submitting the application, clearly identify, as far as reasonably practicable, all of the locations they wish to Trade from. If an applicant proposes to trade on streets where there is already an existing Street Trading Consent, commercial need will be a relevant consideration.

### **Sites that Attract Applications from more than One Applicant**

Multiple Street Trading Consents may be granted to different applicants for the same site, provided specific trading days/periods are applied for do not clash. In normal circumstances only one Consent Holder will be permitted to Trade on a site and in its immediate vicinity (i.e. within 100 metres) at any one time.

### **Special Events/Markets**

At such events/markets the Council will consider a single application and issue a single Consent, covering all Traders, to the person organising the event/market, rather than to each individual Trader. The Consent Holder will be responsible for ensuring that conditions are met by all Traders.

### **Charitable or Public Service Application for Consent to use Lewes or Newhaven Precincts**

The Council offers the opportunity for the free use of these areas for the promotion of Public Wellbeing and Charitable giving or involvement in Public or Charitable service. This can include the incidental sales of related goods. This opportunity is subject to conditions applied in line with the Councils Guidance on Street Trading.

### **Service Standards for Processing your Application**

**The council aim to process your application within 6 weeks from the date it is properly received as complete and it is not contentious.**

In this time the council will undertake several steps including:

1. Consult with some or all of the following before granting consent:

- Sussex Police
- East Sussex Fire and Rescue Service
- The Highways Authority, Children's Safeguarding Team, Public Health Network and Trading Standards at East Sussex County Council
- Various section of Lewes District Council, including: Planning, Public Health and Noise Control Team, Commercial Food and Occupational Safety Team, Parking Team, Clean/Green Team
- Relevant Ward Councillor of Lewes District Council
- Relevant East Sussex County Councillors
- Relevant Town and Parish Councils
- Local Business Groups or their Representatives
- Immediate Neighbours (usually by Public Notice in the area)

A period of 28 days will be allowed for comments to be received.

NB: It is unlikely that consultation will take place in respect of applications for a site that has an existing Consent (i.e. Renewals) or where Consent has recently expired, provided that no complaints have been received; the same goods are to be sold; and the application is largely the same as the existing or previous Consent. It is also likely that for new single day applications a trial day will be allowed without full consultation or with a much reduced consultation.

2. The Council's designated Licensing Specialist Advisor may display a Site Notice at the proposed site for 28 consecutive days for applications of 3 months or longer and if practicable.

3. The Council will maintain a register of consents, including mobile Traders which will be updated regularly.

4. The Council will make its decision as follows:

a) The Council's designated Licensing Specialist Advisor can grant most applications for Street Trading Consents under delegated powers.

b) However, where the Licensing Specialist Advisor believes the application should be refused or the application is very contentious e.g. because of objections, the Licensing Committee will be asked to make the decision. In addition, within the 28 day consultation period, local Ward Councillors have the option to request that the Licensing Committee consider any application about which there are serious concerns even if the Licensing Specialist Advisor is minded to issue Consent.

There is no statutory right of appeal for refusal to issue a consent.

5. Where the application is to go before the Licensing Committee:

- a. The Applicant is expected to attend and will be advised in writing of the date, time and place when the application will be heard.
- b. The Applicant can be represented by a solicitor or supported by a another person.
- c. The Applicant will be given the opportunity to make representations to Committee both in writing and in person.
- d. Written representations will need to be received by a set date to ensure there is proper time to arrange and inform Committee members. **This will usually be at least seven working days before the Committee meeting.**
- e. The Council's designated Licensing Specialist Advisor will prepare a report for the Committee regarding the application. The report will be made available to the Applicant at least five working days before the date of the meeting.

- f. When considering the application the Committee will ensure that all persons receive a fair Hearing and a formal process will be followed to ensure this occurs.
- g. The application will be decided upon at the end of the Hearing and reasons for any decision will be provided in writing following the Committee meeting.
- h. There is no Appeal available against the Committee decision.

### **Duration of Consents and Fees**

Street Trading Consents will initially be issued for one of the following periods:

- a) Daily
- b) Weekly
- c) Monthly
- d) 3 Monthly
- e) 6 Monthly
- f) Yearly

Consents are not transferrable to other individuals.

Consent holders not able to make use of their Consent on the appointed day(s) can request that the Consent is carried forward to a date to be agreed with the Council. Such requests are likely to be agreed if conditions such as poor weather or serious family illness or bereavement are established.

All fees must be paid in full in advance unless an alternative arrangement has been agreed with the Council. The Council's fees and charges can be found on our website.

Applicants will be advised of the appropriate fee which may vary according to the type and regularity of trading.

Failure to pay fees may result in any Consent being revoked or, in the case of renewal, the Applicant not being permitted to engage in Street Trading once the previous Consent has expired. Non-payment of renewal fees may also result in any subsequent application being treated as a new application. Consent fees are set by the Licensing Committee.



## **Appendix A – General Conditions that will normally be attached to Street Trading Consents**

General conditions will be attached to all Consents detailing the Consent Holder's responsibilities.

The general conditions may include provisions to ensure:

- maintaining public safety;
- preventing nuisance;
- generally preserving the amenity of the locality;
- limitations on 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 relevant matter.

Additionally, conditions may be attached which relate specifically to the type of Consent granted. These conditions may include special controls or be drawn from relevant sections of the following Appendices:

- a) General Conditions
- b) Motor Vehicle Conditions
- c) Fixed Site Conditions
- d) Stall Design and Dimensions
- e) Food Related Conditions
- f) Gas Safety Conditions
- g) Public Service and Charitable Use of Lewes and Newhaven Precinct Conditions
- h) Use of Petroleum Conditions
- i) Bonfire Night Plan

In addition the following Appendices provide guidance to be used in considering applications and Consent implementation:

- j) Definitions
- k) Guidance on Criminal Offences
- l) Offences

Failure to comply with conditions may lead to prosecution, revocation or non-renewal of Consent. Persons engaging in Street Trading without Consent may be liable to prosecution. Decisions regarding enforcement action will be made in accordance with the Council's Enforcement Guidance.

## THE GENERAL CONDITIONS

### The Consent Holder shall:

1. only Trade on the days and between the times stated on the Consent. Trading will not generally be permitted between 23:00 and 07:00 hrs or on Christmas Day, Easter Sunday or on Bonfire Night;
2. only Trade in the position, and way described or Trade in the articles stated on the Consent;
3. not begin setting up more than 120 minutes before any trading start time in the Consent;
4. at the end of any trading day, remove from the highway all goods, receptacles, structures and any other objects associated with trading no later than 120 minutes after the time shown on any Consent;
5. ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle;
6. ensure that all goods, receptacles, structures and any other objects associated with trading are easily and immediately removable in the event of emergency access being required;
7. when carrying on business relating to a Street Trading Consent, be sober, conduct him/herself, and ensure persons under his/her control conduct themselves, in a proper, civil and courteous manner and not use behaviour or language which could reasonably be seen as abusive, harassing or intimidating;
8. at all times conduct business and position all goods, receptacles, structures and any objects associated with trading, or used in connection with his/her business, in such a manner to prevent danger to persons trading or likely to be affected by trading;
9. ensure all risks in connection with the trading activity are assessed and reviewed periodically. Ensure any identified risk reduction measures are put in place. Risk assessments to be made available to an Authorised Officer of the Council for inspection.
10. at all times conduct his/her business in a clean and tidy manner;
11. make a copy of the Consent immediately available, upon request, to an authorised Officer of the Council or the Police;
12. if appropriate, ensure a current Gas Safety Certificate is valid for the trading activities throughout the period of trading. A copy of this Certificate is to be provided to the Council;

13. wear, and ensure any assistants wear, any identification badges issued by the Council at all times of trading;
14. allow access to, and comply immediately with, all reasonable directions given by the Council, its authorised Officers or Police Officers regarding any Street Trading.
15. Ensure a responsible person is always in attendance and available to receive such directions;
16. report any change that occurs in the particulars and information contained in the application for the Consent, such as a change of address, to the Licensing Authority within 72 hours of it occurring;
17. indemnify the Council against all claims, liabilities, actions, demands and expenses whatsoever in respect of, or in any way arising out of any Consent to Trade granted by the Council and shall, without prejudice to the foregoing, maintain in force at all times with a reputable insurance company approved by the Council a valid Public Liability Insurance Guidance to a minimum value of £2,000,000 (two million pounds) and shall provide, on request, and to the satisfaction of the Council, the insurance certificate and evidence of full premium payment. If the Consent to Trade is terminated by the Council for any reason the Council shall accept no liability for financial or other loss of the Consent Holder; ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas (LPG) used in mobile catering units or similar units, see Appendix B and F;
18. ensure all stalls and vehicles are provided with adequate and appropriate fire extinguishers, which shall be regularly serviced and certified accordingly. Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided. Where hot fat/oil cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly; and
19. ensure cooking and heating appliances are positioned well clear of tent, walls and roofs. Where bottled gas is to be used the Appendix B and E of the conditions for LPG should be followed as appropriate. Cylinders should stand outside any tent, or similar structure, and should be handled and changed only by persons fully conversant with the supplier's instructions. Precautions should be taken to prevent tampering with cylinders or valves, and to prevent cylinders (and associated pipework) being damaged or falling.

**The Consent Holder shall not:**

1. under any circumstances, Trade on consent areas in Lewes Town on Bonfire Night - November 5th or the preceding Saturday if November 5th falls on a Sunday;
2. cause obstruction or danger to people using the street. In particular, not block access for disabled people, disabled parking or force disabled people to use inappropriately surfaced areas.
3. place, store, sell, expose or offer for sale any article outside any specified trading area;
4. sell, expose or offer for sale goods similar to and in direct competition with fixed businesses or other Consented Traders within 100 metres without prior consent;
5. trade close to the boundaries of hospitals or care premises (within 250 metres) or schools (500 metres);
6. permit any person to assist in trading unless the details of that person have been supplied to in writing and approved by the Council;
7. sell, display or wear merchandise or items which are likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation. The Licensing Specialist Advisor should be consulted if doubt exists on whether article/material could be considered offensive, his/her decision is final;
8. place or display advertisements or other notices in the immediate area of the trading site without the approval of the Council;
9. place any furniture or equipment in the immediate area of the premises other than as permitted by the Consent;
10. transfer any Consent or dispose of any Consent to any other person;
11. cause any nuisance or annoyance to persons using the street or to the occupants of any properties in the vicinity. No amplification equipment shall be used unless authorised by the Council;
12. leave rubbish or other waste arising from trading activity, or allow it to be left or accumulate, on or around any Consent site. Removal and disposal of rubbish must be to the satisfaction of the Council - this may require a special collection to be arranged and relevant details to be provided;
13. use any device for the generation of electricity, light or heat without the Council's permission.

14. use oil burning appliances for lighting, heating or cooking. No naked flames, including candles, should be used;
15. sell or display articles such as firearms, replica firearms, knives, tobacco or fireworks;
16. bring pets or other animals to the trading site without written permission from the Council;
17. sell or offer goods for sale as 'seconds', soiled or damaged, unless a clear notice is displayed stating this; or
18. make any excavations or indentations of any description whatsoever in the surface of the highway or fix any equipment of any description on or in the street surfaces.
19. discharge waste or waste water onto the highway or into a highway drain.
20. sell goods in plastic bags unless they are for raw meat products.

**The Council reserves the right, if it considers it to be reasonably necessary, to alter or amend these conditions at any time.**

**Any Consent is issued without prejudice to any other statute, bye-law or regulation. Consent does NOT override any regulations regarding planning, parking, food hygiene, obstruction, noise nuisance etc.**

**APPENDIX B - Motor Vehicle Conditions**

1. Any vehicles and trailers used for the purposes of Street Trading shall be removed from the highway when the Consent is not in operation.
2. Any motor vehicle used for the purpose of Street Trading shall at all times be in a roadworthy condition and have the relevant and up to date 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.
3. Where the Trader trades from a stationary vehicle, that vehicle shall, in all respects, comply with the Road Vehicles (Construction and Use) Regulations 1986. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
4. All vehicles shall be provided with adequate and appropriate fire extinguishers which shall be regularly serviced and certified accordingly.
5. The Trader must not park or site their vehicle within 500 metres of any school; 250 metres of any hospital or care premises or within 20 metres of any road junction.
6. The Trader must not trade from a point within 100 metres of an existing Trader of a similar nature without the consent of the Council.
7. The Trader shall comply with Appendix D and E relating to use of LPG and sale of food as appropriate.
8. The Trader shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it appropriately elsewhere and, in particular, shall not deposit any such waste near or into any street, drain or channel.
9. The Trader's vehicle must not obstruct the free flow of pedestrians or traffic at any time.
10. The Trader must not park, or site their vehicle, on a classified road or prohibited area at any time.
11. The Trader must comply with all reasonable instructions given by Officers from the Council, Police and/or Highways Authority regarding the initial location and relocation of sites and other such related matters. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer they shall immediately comply with that request.
12. The appearance of vehicles must not be detrimental to the existing properties in the area in which the vehicle is stationed.

13. All goods shall be displayed on the vehicle and no freestanding racks or displays are permitted.

### **APPENDIX C – Fixed Site Conditions**

1. The Consent Holder shall ensure that sufficient sanitary accommodation is available for both the Consent Holder and assistants when operating at a static site.

### **APPENDIX D – Stall Design and Dimensions**

1. In the case of markets, stalls of traditional timber barrows, stalls of a metal frame construction, gazebos or umbrellas will be preferred. Stalls consistent with the majority of others in a particular market will be preferred in order to promote a co-ordinated appearance. All stalls should comprise protection from the rain and sun as well as tables or other suitable devices for displaying goods off the floor. Stalls may be of a walk-up or walk-in design but must have a valance between the table top and the ground to enclose stock, equipment and waste containers.
2. Market stalls and ancillary equipment and stock must be contained within the stall. The licensing authority may vary the pitch dimensions of the entire market or any individual stall in line with the relevant statutory procedures.
3. Canopies, awnings and tarpaulins with traditional stripes are preferred. These should consist of a bold traditional stripe on a white or cream background or solid colour. Canopies, awnings and tarpaulins must be secured to the support structures neatly and securely, with adequate tension and no sharp projections.
4. Trading from vehicles will not usually be permitted on the precincts. Generally, trading from vehicles will only be allowed from the pitches at the ends of the markets or from within a zone of a market designated for the purpose (for example, a cluster of food stalls). The vehicles should be appropriate for their prominent position in the market. Similarly, trading from trailers or caravans will not usually be permitted. If trailers are to be approved in locations such as those for vehicles, their visual appearance should not be damaging to their surroundings.
5. In every case it is expected that design, construction and maintenance of stalls will be of a high standard. Designs, materials, signs and finishes should be appropriate for the surroundings. Modern or unique designs may not be acceptable in traditional areas but will be considered in places where the surroundings are outside the areas designated as places of architectural or historic interest.
6. A simple, coherent and traditional colour scheme is required, avoiding the use of bright or garish colours. For example plain, darker colours including green, maroon, black or blue combined with white or cream will be acceptable.

7. Small canopies/awnings are permitted only for the purpose of weather protection. In certain locations the use of canopies/awnings may not be acceptable. Such canopies/awnings must be specifically set out in the documentation submitted for stall approval. No goods or unauthorised signage shall be displayed on the canopy or awning.
8. Stalls should not be used to display stock on the outside surfaces of the stall (including the roof and awnings) unless such display equipment has been specifically included within the stall's approval. The use of gaudy or luminous colours for any permitted sign or branding is not acceptable.
9. Merchandising: Consideration should be given to the merchandising of goods. Use of racking, baskets, displays and other equipment should support the overall brand image and complement the overall appearance of the unit. Use of third party branded equipment or make-shift equipment (such as commercial fridges or metal baths displaying canned drinks or plastic buckets for goods), will not normally be acceptable.
10. Lighting: Consideration should be given to the appropriate lighting of both the commodities and how these are merchandised. Excessive lighting or inappropriate lighting is unlikely to assist trade. Consent holders should consider how their stall appears both during the day and evening when operational. Large halogen lights are inefficient and inappropriate, often causing glare. Backlit menus, price lists or video displays should be avoided.
11. Neon, animated, flashing lights, LEDs etc., including their use to make up words or graphics, will not normally be permitted. However where a particular lighting solution plays an integral part on the overall design and branding of the stall and goods, then consideration for an exception to this rule may be undertaken. Pin spots, halo lighting and in some circumstances feature lighting may be acceptable.
12. Appropriate festive lighting for holidays or special events is acceptable, particularly in the darker winter months.
13. Prior to any Consent being issued or in cases where a licensed trader wishes to change the stall, prior approval must always be sought from the licensing service. Proposals must include all display equipment and any attached, projecting or free standing elements.
14. Stalls and structures that are allowed to remain in place overnight and any new area of highway used for street trading will need planning permission. Where a structure is left on the street overnight and does not have this permission, proceedings may be taken for a breach of the Consent and/or for highway obstruction. Consideration will also be given to seeking a revocation of the Consent for a persistent failure to remove the stall or structure.
15. Stalls shall not be greater than 2.3 metres in height nor occupy an area greater than 2.5 metres x 1.5 metres without prior approval from the Licensing



**Authority.** Market operators may set their own size and dimension requirements with their traders but must not exceed the agreed plan as stipulated in the consent.

16. A stall cannot be within 2.5 m of a shop front and there must be a break of 3m after every 6 m runs of stalls. This applies to markets and individual stalls set up next to each other.

## **APPENDIX E – Food Related Conditions**

1. The Consent Holder, if intending to sell food from a stationary vehicle/stall shall operate from a purpose made vehicle/stall constructed and managed so as to comply with the relevant hygiene regulations currently in force and any subsequent changes to those regulations. There must be an up to date registration of the food business with the Council.
2. All hot food vans/trailers are required to comply with current legislation on fire safety, see Appendix F. Where gas cylinders are used an annual Gas Safety Certificate shall be required to ensure the safety of all gas cooking and heating equipment. A fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
3. All hot food vans/trailers are required to carry a basic first aid kit.
4. The Consent Holder shall ensure that litter checks are carried out regularly in the vicinity of the trading area and litter attributed to the activity is collected and disposed of to the satisfaction of the Council.
5. 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 Council or its Officers, shall produce appropriate Food Hygiene Training Certificates for relevant food handlers.
6. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
7. Odour from any flue used for the dispersal of cooking smells serving the site shall not cause nuisance to the occupants of any properties in the vicinity. It is recommended that any flues for the dispersal of cooking smells shall either:
  - i. terminate at least 1 metre above the ridge height of any building in the vicinity, with no obstruction of upward movement of air; or
  - ii. have a method of odour control such as activated carbon filters, electrostatic precipitation or inline oxidation.
8. The Food Hygiene Rating Scheme score must be visibly displayed at all times when trading. Traders are expected to achieve a score of at least “3”.

## APPENDIX F - Gas Safety Related Conditions

1. Gas appliances, including pipework, should be installed and regularly serviced and maintained by a competent person (Gas Safe registered for LPG). A current Gas Safety Certificate to be submitted with each application and to be maintained throughout the period of trading.
2. Cylinders should be fitted with automatic cut-off valves and be protected from tampering.
3. Cylinders must be stored upright so that they cannot fall and be positioned away from heat and ignition sources.
4. Gas storage compartments in trailers or stalls must have complete half an hour fire protection. Access to the compartment must be from the outside of the unit and there should be adequate ventilation at high and low levels.
5. The cylinder must be secured in an upright position and be securely fastened during transit.
6. All gas pipes and fittings should be to the correct British Standard for LPG and kept as short as possible with appropriate crimp or compression fittings (not slip-on fittings).
7. All gas pipes should be protected from abrasion or mechanical damage (armoured if subject to temperatures over 50°C).
8. Flexible gas piping must be checked regularly and replaced if damaged or worn.
9. All gas appliances must be fitted with a flame failure device and be adequately ventilated.
10. All fryers should be fitted with an automatic high temperature-limiting device (operates at a fat temperature of 250°C or lower).
11. Suitable warning signs indicating: '**Caution – LPG**'; and '**Highly Flammable**' and should be clearly displayed.
12. People who change the cylinders should be properly trained and a safety notice on how to connect and disconnect the LPG bottles should be displayed in the gas compartment.
13. Cylinder valves and gas appliances must be turned off when not in use.

## **APPENDIX G - Conditions for Public Service or Charitable activity in Lewes and Newhaven Precincts**

In addition to the General Conditions the use of the precincts is subject to the following:

1. As a general rule stalls, units, vehicles or displays should be positioned in the widest parts of precincts and obstruction reduced as far as possible.
2. All vehicles, unless an agreed part of the activity/event and in the agreed position, must be removed from the precinct.
3. The granite paving area of the Lewes precinct is able to be used only by activities, units, displays, stalls or vehicles that can be cleared immediately in the event of need for emergency access.
4. The “blue brick” area of Newhaven High Street shall be kept clear and not be used without express consent of the Council.
5. Public rights of way must be maintained as far as reasonably practicable.
6. Emergency access routes to be maintained clear to the satisfaction of the Council or Emergency Services.
7. Amplification is not permitted unless with prior permission from the Council.

## **APPENDIX H - Use of Petroleum**

The use of petrol or diesel generators are not permitted due to the noise and air pollution created.

Any Trader using any petroleum fuelled device must complete a documented Risk Assessment, submit the Risk Assessment with their application, and must keep the Risk Assessment at the site where trading is taking place. The Assessment must be available to an authorised Officer of the Council or the East Sussex Fire and Rescue Service on demand.

The Risk Assessment must address at least the following matters:

- A) the position and siting of the device;
- B) the storage container for fuel for the device;
- C) the labelling of the fuel container;
- D) the number, type and maintenance of fire extinguishers at the site;
- E) the provision of fire blankets; and/or
- F) the prevention of hazard, nuisance from fumes or noise.

For guidance please be aware of and implement the following, as applicable:

- Fuel must be stored away from the stall in a container of a type approved under the Petroleum Spirit (Motor Vehicles) Regulations 1929 or Petroleum Spirit (Plastic Containers) Regulations 1982.

- All petroleum spirit, or other highly inflammable liquid used in connection with the device, must be stored in a metal container with a secure leak-proof cap not exceeding 10 litres or a plastic container not exceeding 5 litres capacity.
- The container to be labelled "Petroleum Spirit Highly Inflammable".
- The container shall be stored securely and remote from sources of ignition.
- Where there is a potential ignition source present, including cooking facilities, a 2kg dry powder extinguisher, which complies with the standards set out in BS 5423: 1987, must be provided. Where hot fat/oil cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- Use of the device should not cause hazard, fume or odour nuisance.

## **APPENDIX I – Precinct A Board, Table and Chairs Permits**

The following standard conditions shall apply to all precinct permits. Further additional conditions may be applied to permits.

1. This permission is not transferrable.
2. The tables, chairs and umbrellas shall only be placed outside the premises between the hours of 8 am and 6 pm.
3. The area so permitted to be used solely for the purpose of consuming food and drink purchased on the premises. It is strictly forbidden to prepare any food and drink in the area so permitted by this permit.
4. The tables, chairs and umbrellas shall be of such a design as may be approved by the Council in writing and be kept in good repair and condition at the Permit Holder's expense.
5. Nothing contained in this permit gives the holder permission to make fixtures to or excavations of any kind in the surface of the highway which shall be left entirely undisturbed.
6. The Permit Holder shall make no claim or charge against the Council in the event of the chairs or tables or other objects being lost, stolen or damaged in any way from whatever cause.
7. The Permit Holder shall indemnify the Council against all actions, proceedings, claims demands and liability which may at any time be taken, made or incurred in consequence of the use of the chairs & tables & other objects and for this purpose must take out at the Permit Holder's insurance approved by the Council in the sum of at least £5,000,000 (FIVE MILLION POUNDS) in respect of any one event and must produce to the Council on

request the current receipts for premium payments and confirmation of the annual renewals of the guidance.

8. No charge shall be made by the Permit Holder for the use of the chairs and tables and other objects.
9. Waste from the Permit Holder's operations must not be disposed of in the permanent litterbins provided by the Council.
10. Refuse and litter deposited on the highway in the vicinity of the chairs and tables and other objects must be removed each day by the Permit Holder at their expense or at more frequent intervals as may be required by or under the Environmental Protection Act 1990.
11. The Permit Holder shall remove the tables, chairs and windbreaks from the highway outside the hours permitted or immediately if required to do so as to permit works in or the use of the highway by:
  - a. The Council, County Council, the police, fire & ambulance services, any utility operator, or
  - b. Builders' vehicles, hearses and furniture removal vans
12. The Permit Holder shall be responsible for any rates, taxes and other outgoings which may be charged.
13. The permission shall run from the date of this Permit for a term of one year.
14. The Council reserves the right to revoke this Permit forthwith if the Permit Holder breaches any of the conditions contained herein.
15. If the area to be licensed is contained within a Designated Public Space Protection Order then the area shall be clearly delineated by the use of barriers of a suitable nature to be agreed with the Licensing Authority.

## **APPENDIX J - Definitions**

**“Advertisement”** - means any word, letter, model, sign, placard, board, notice, whether illuminated or not, the nature of, and employed wholly or partly for the purposes of: advertisement, announcement or direction and includes hoarding or similar structure or any balloon used, or adapted for use for the display of advertisements, and references to the display of advertisement shall be constructed accordingly.

**“Awning”** - means a sheet of canvas or other material, used as a protection against the weather, which projects as an extension of the roof beyond the structure of the stall.

**“Assistant”** - means a person employed by and acting under the directions of a Trader to assist him/her about the business of the stall and whose name and address has been notified to the Council.

**“Bonfire Night”** - November 5th or the preceding Saturday if this falls on a Sunday.

**“Consent Holder”** - the person granted a Consent by the Council to undertake Street Trading.

**“Consented Street Trading Pitch”** - means a pitch in any street authorised as a place at which Street Trading may be engaged in by a Street Trader, and includes any temporary alternative place approved by the Council or a duly authorised Officer of the Council.

**“The Council”** - means the Lewes District Council and primarily it’s Licensing or Environmental Health Service.

**“Goods”** - means any goods, wares or merchandise for sale at a stall.

**“Premises”** - means any shop, house or block of flats behind or adjacent to the consented pitch.

**“Refuse”** - includes any waste material.

**“Stall”** - means any structure used by a Trader for the display of goods, or in connection with his or her business and which occupies a consented Street Trading pitch; and includes all goods offered or to be offered for sale and any additional structure or equipment used as part of the stall or business. This also included all rubbish or refuse created as a result of the business.

**“Street”** - any part of a street and includes any road, footway, beach or other area to which the public have access without payment.

**“Street Trading”** – means the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward.

**“Street Trading Consent”** – means a Consent granted under the Act. Please Note: The use of a street as a smoking area outside premises is not considered to be Street Trading. The Council will not therefore usually consider requests for Consent where the use is solely for these purposes.

**“Trader”** - means a person in whose name a current Consent is held authorising Street Trading.

**“Temporary Consent”** – means a Consent granted under the Act valid for a single day or for a period not exceeding 6 months.

**“Vehicle”** – includes any trailer, stall, barrow, cart etc., used in connection with trading.

Any other term not defined in these conditions shall have the same meaning as in the Local Government (Miscellaneous Provisions) Act 1982.

## **APPENDIX K - Guidance on Criminal Convictions and Street Trading**

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:

- a. there has been a conviction/caution for an offence involving dishonesty, indecency, certain sexual offences, violence or drugs;
- b. there has been a conviction/caution for an offence under the relevant legislation; or
- c. any other reasonable grounds.

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.

The following examples provide a general guide on the action to be taken where the applicant has a conviction or caution. These are examples will be considered by the relevant offence.

### **Offences involving violence**

Generally 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 a candidate. Generally applications will be refused from applicants until at least 3 years from the date of conviction.

### **Indecency/Sexual Offences**

Generally applications will be refused until at least 5 years from the date of conviction.

### **Dishonesty**

Convictions for isolated minor offences should not 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 suggested that at least five years should elapse before application.

## **APPENDIX L – Offences**

The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:

### **a) Schedule 4, paragraph 10**

(1) A person who:

- (a) engages in street trading in a prohibited street; or
- (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
- (c) contravenes any of the principal terms of a street trading Consent; or
- (d) being authorised by a street trading consent to trade in a consent street, trades in that street—

- (i) from a stationary van, cart, barrow or other vehicle; or

- (ii) from a portable stall,

without first having been granted permission to do so under paragraph 7(8) above; or

- (e) contravenes a condition imposed under paragraph 7(9), shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under sub-paragraph above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(3) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.