

Consultation Paper

Adoption of Street Trading in the Borough of Rossendale Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

- The Licensing Committee have resolved to adopt, in principle, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 which provides for the regulation of “street trading” in the Borough of Rossendale. There is currently no regulation of street traders within the Borough and any problems associated with street trading have to be dealt with by other legislation – obstruction of highways etc.
- This document is a draft of the outline proposals for the regulation of trading and seeks your views before a final report is prepared and submitted

Definition of Street Trading:

The Local Government (Miscellaneous Provisions) Act 1982, defines street trading, as the selling or offering for sale any article (including a living thing) in a “street”. Anyone wishing to trade in a street within the Borough will be affected , with the following exceptions ;

- A pedlar holding a current Pedlar’s certificate and acting as a Pedlar under the authority of the Pedlar’s Act 1871.
- A trader as part of an authorised market or fair.
- A trader at a petrol station.
- A person trading in association with an adjoining shop premises.
- Trading in a trunk road picnic area provided under Section 112 of the Highways Act 1980.
- Trading as a news vendor, where the only articles sold or offered for sale are newspapers and periodicals.

Definition of Consent Street is as follows;

- Consent Street, means a street in which street trading is prohibited without the consent of the council.
- Prohibited Street, means a street which trading is prohibited.

Proposal 1

It is proposed that all streets in the Borough of Rossendale will be “Consent Streets” with the exception of the following, which will be “Prohibited Streets”

Rawtenstall

- Bank Street, from its junction with St Mary’s Way to the junction of Newchurch Road (encompassing) Rawtenstall market.
- Kay Street – whole length.
- Lord Street – whole length.
- Bacup Road from junction with St Mary’s Way to Bochholt Way .
- Bury Road from junction with New Hall Hey road to the junction of Lomas lane.
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Edenfield

- Burnley Road from the junction with Blackburn Road to the junction of Exchange Street.

Haslingden

- Manchester Road from junction of Warner Street to the junction of John Street.
- Lower Deardengate from the junction of Grange Road to junction of Blackburn Road.
- Higher Deardengate from its junction with Blackburn Road to the junction of Regent Street.

Bacup

- Union Street –whole length.
- Burnley Road from junction of Market street to Rosebank street.
- St James Street – whole length
- St James Square.
- Irwell Terrace – whole length
- Kay Street – whole length

Waterfoot

- Bacup Road from the junction of Church Road to junction of Cowpe Road
- Bacup Road from the junction of Burnley Road East to junction of Gaghills Road

Whitworth

- Market Street from the junction of Tong Lane to the junction of Hall Street.

Proposal 2

Hours of trading.

It is proposed that street trading may take place between the hours of 9am to 10pm Monday to Sunday inclusive. The provision of “Hot Food” between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003 and therefore necessitates a premises licence under that Act.

Proposal 3

Fees

It is proposed that Rossendale Borough Council adopts fees as follows to cover the administration and enforcement costs.

Annual fee £350

Various local authorities have fees in place as detailed below.

• Hynburn	£469
• Wigan	£489
• Wyre Borough Council	£540
• Ribble Valley	£366
• Chorley	£415
• Bury	£371
• Burnley	£541

Proposal 4

Conditions

Below are details of standard conditions which are designed to regulate street trading to minimise public nuisance and ensure that trading is carried out in a fair manner.

1. Consent will not be granted if it is considered that one or more of the conditions of the consent will be breached.
2. The consent granted by the Council is personal to the consent holder and is not transferable. Where the consent holder is an employer, this consent will apply to named employees who have been previously notified to and approved by the Council. The consent may only be transferred to another vehicle, container or stall with the prior consent in writing of the Council.
3. The consent granted by the Council may be revoked at any time, should one or more of the conditions be breached.

4. Applications for a street trading consent, other than ice-cream vendors, must state the site from which they wish to trade.
5. The consent holder shall trade only on the site as specified in the consent.
6. The holder may apply for a variation in respect of the site. Such application for variation must be in writing and give details of the proposed relocation.
7. It is the applicant's responsibility to ensure that the site they are applying for is suitable and they have a legal right to trade. No responsibility will be accepted by Rossendale Borough Council for persons found to be trading from unsuitable or illegal sites.
8. Only goods specified in the consent may be sold from the vehicle, container or stall specified in the consent.
9. Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
10. No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employee of his.
11. The consent holder shall not permit any nuisance, obstruction or annoyance to be caused by the presence of his / her trading activities to persons occupying nearby residential or commercial premises.
12. The name and address of the consent holder shall be displayed conspicuously on the vehicle, container or stall used by him/her.
13. The consent holder shall comply with all legislation relevant to the conduct of the business in which he/she is engaged and ensure that any vehicle used by him in connection therewith is in a roadworthy condition and where necessary taxed and insured.
14. The consent holder or any person employed by him/her shall not use any loudspeaker, whistle, horn, bell or their audible method to attract custom, PROVIDED that this shall not apply to the chimes of an ice cream van during permitted hours of 12 noon to 7.00 p.m.
15. The consent holder shall provide adequate receptacles for rubbish and shall after trading has ceased, remove all rubbish and litter from the site.
16. The consent holder shall comply with any reasonable requirements of the Council or any of its officers or of any police officer in relation to the siting or operation of his/her street trading business.
17. The Council may forfeit this consent if consent holders shall without good cause fail to comply with any condition herein.

18. Any consent issued will only be valid in relation to a single vehicle, container or stall.

19. The consent holder shall at the request of the Council present the vehicle, container or stall for inspection at such time and place as required by the Council.

20. Consents will not be granted to persons under the age of 17 years.

21. Consents will be granted for the period of 12 months from the date of the application. Fees will not refundable.

22. The fee which must accompany the application and can be found in the Fees & Charges table on our website.

N.B. The Law provides that any person who trades in a “consent Street” without having obtained the consent of the Council shall be guilty of an offence.

The following special conditions apply to this consent:

Summary of the Code of Practice on Noise from Ice Cream Van Chimes etc.

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:-

Do Not Sound Chimes

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

Remember:-

It is an offence to sound your chimes before 12 noon or after 7.00 p.m.

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

Derek Hamill
Licensing Enforcement Officer
4.10.07