

Policy for Street Trading

Including Street Trading Conditions

Draft March 2011

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Introduction

Street Trading

Local Government (Miscellaneous Provisions) Act 1982
Schedule 4

Street trading in the Borough of Rossendale requires Consent from the Council. Street trading is only allowed on certain streets between the hours of 9am to 10pm Monday to Sunday inclusive and is subject to the following conditions. The provision of hot food and drink between the hours of 11pm and 5am is a licensable activity under the Licensing Act 2003 and will therefore require a premises licence under that Act.

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

Street means a street in which street trading is prohibited without the consent of the council.

Prohibited Street means a street on which trading is prohibited.

Conditions:

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. Ice cream vendors must not allow their vehicle to remain stationary in any one place for a period exceeding 30 minutes, without written consent of the Licensing Authority."*
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 employees.
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 the permitted hours of 12 noon to 7:00pm.
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 a period of either 12 months or 14 days from the date of grant."*
22. The fee which must accompany the application can be found on our website.

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 will only apply to ice cream van permits.

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 as follows.

Do Not Sound Chimes:

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