



EAST RIDING

OF YORKSHIRE COUNCIL

STREET TRADING

AND

COLLECTIONS

LICENSING POLICY

2016-2021

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STREET TRADING AND COLLECTIONS LICENSING POLICY

Introduction

As a licensing authority, we are keen to support street traders and street collectors, as they are a sector of our small business community and /or charitable organisations that provide a valuable Street Trading and Collections policy

service to customers across the East Riding. The street trading service is particularly appreciated in remote communities where hot food provision may not always be readily available. Street Collectors aim to raise funds for charitable causes to assist those in need or for research purposes.

This policy, which covers the whole East Riding area, is designed to ensure that all street traders operate from a level playing field and by doing so make things fair for all traders and safer for customers. We will make sure that areas are not saturated by street traders, giving businesses a fair chance of making a living.

We will ensure that licensed traders and collectors are complying with the law, protecting consumers from unsafe practices, maintaining environmental and public health standards whilst also raising standards

PART 1 PURPOSE OF POLICY

This policy sets out the East Riding of Yorkshire Councils framework for the management of street trading (Part 2) and includes House to House and Charitable collections (Part 11).

Through the Street Trading and Collections licensing policy the Licensing Authority aims to regulate the location and number of traders and collectors in the East Riding of Yorkshire.

1.1 The aims of the Council's Street Trading and Collections licensing policy are to:

- *Create a street trading environment which complements premise-based trading;*
- *Ensure it is sensitive to the needs of residents ensuring activities provided do not cause nuisance or annoyance;*
- *Protect public health*
- *Ensure public safety (including road safety) of the people using the services and promote safeguarding;*
- *Provide diversity and consumer choice, and*
- *Seek to enhance the ambience and safety of local environments, recognising the importance of licensed organisations and trading consents to the local economy and the character of the area'.*

****Each objective is of equal importance**

Balance

1.2 The Council will seek to achieve a balance between the needs of those wishing to provide a street trading business or street collection service and the needs of residents and other local businesses for an acceptable environment and quality of life.

This policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits

- 1.3 This policy will provide guidance to the Licensing Authority when it considers applications for consents and collections registrations.

Consultation

- 1.4 There is no statutory requirement in the legislation to consult before determining this licensing policy however to ensure openness and transparency the Licensing Authority has chosen to consult with the following people and bodies on significant changes to the policy as appropriate :-

- Humberside Police.
- Existing Consent Holders.
- East Riding of Yorkshire Council Highways Team.
- East Riding of Yorkshire Council's Food Services Team.
- East Riding of Yorkshire Council's Health and Safety Team.
- East Riding of Yorkshires Council's Licensing Team.
- Parish Councils and Ward Councillors.
- East Riding of Yorkshire Council's Planning Control Team.
- East Riding of Yorkshire Council's Environmental Control Team.
- East Riding Foreshores Inspectors.
- The Public by use of the council's website
- East Riding of Yorkshire Council Asset Strategy Team.
- Charitable Organisations (street collections)

Review of the Policy

- 1.5 This policy is a living document, which will be reviewed at least every **five years**, and a full consultation exercise carried out at that time with the persons and bodies shown above.
- 1.6 In addition to the five yearly reviews the policy will be regularly evaluated and the policy may be changed at any time.
- 1.7 Any minor/ administrative amendments to this policy or urgent legislative changes necessary may be authorised by the Director of Environment and Neighbourhood Services in consultation with the relevant Portfolio Holder without a full consultation process being carried out.
- 1.8 Any significant amendment to the Policy will however only be implemented after a formal consultation process is carried out.

Any significant amendment is defined as one that;

- **Is likely to have a significant financial effect on consent holders, or**
- **Is likely to have a significant procedural effect on consent holders, or**
- **Is likely to have a significant effect on the local community**

Departure from the Policy

- 1.9 In exercising its discretion in carrying out its regulatory functions, East Riding of Yorkshire Council will have regard to this Policy document and the principles set out therein.
- 1.10 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 1.11 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given.

PART 2: STREET TRADING

- 2.1 The licensing policy sets out how East Riding of Yorkshire Licensing Authority will deal with applications for Street Trading Consents (static and mobile) which includes :-
- Annual,
 - Seasonal (up to six monthly),
 - Multiple site (maximum of **5 specific sites per week**) i.e trading at 5 identified locations, on 1 occasion per site per week at each location, **maximum time at each location of 3 hours on each site.**
 - Special Events and
 - Daily consents.
- 2.2 An extension to the mobile consent forms part of this policy known as a ‘multiple site’ consent to give flexibility to those traders who wish to trade at a number of different sites in any one week and provide a hot meal service for local communities in villages for a longer period of time (e.g fish and chip trading mobile vans trading for a few hours each evening).
- 2.3 The number of sites will be restricted to **no more than 5 specified sites per week per consent** (each site will have an identified day of the week) and the specific sites will be detailed on the consent issued. **There is no right to transfer site locations or times during the period of the granted consent.**
- 2.4 The East Riding of Yorkshire Council aims to protect the safety of highways users, safeguard customers and residents and prevent nuisance or annoyance to local residents whilst these activities are being carried out.

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Version 2.1 Approved July 2011

Version 2.3 Approved Licensing Committee 22 October 2012

The Cabinet November 2012

Version 3. The Cabinet 18 October 2016

- 2.5 The policy highlights the Licensing Authority’s undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies. Where applicants need to have regard to other legal requirements, then the Licensing Authority will aim to “signpost” applicants to the relevant organisation.

What is Street Trading?

- 2.6 If you wish to sell goods in places where the public have free access, including private land, you may need street trading consent from the Licensing Authority.
- 2.7 Street trading means the **selling, exposing or offering for sale** of any article (including a living thing) in a street (Local Government (Miscellaneous Provisions) Act 1982, Paragraph 1(1) Schedule 4).
- 2.8 East Riding of Yorkshire Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area.

Definition of ‘street’ and ‘consent’

- 2.9 Schedule 4 of the Act defines a ‘Street’ as:

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.

- 2.10 Written permission to use Council owned land ‘other than the public highway’ may also be required for some areas and you must seek advice from the Council at an early stage on this matter.
- 2.11 All ‘streets’ and lay-bys in the East Riding of Yorkshire are ‘consent streets’ for street trading except for those specifically designated as ‘**prohibited streets**’ where **trading is not allowed at any time** for reasons of highway safety or where a specific restriction would prohibit its use.

Details of those **prohibited streets/areas** are included in this policy document and shown at **Appendix A** of the policy.

‘Consent Street’ means a street in which street trading is prohibited without the written consent of the Council, subject to legal exemptions.

PART 3 EXEMPTIONS FROM THE NEED TO OBTAIN A STREET TRADING CONSENT.

- 3.1 Some types of trade are **legally exempt** from the need to obtain a street trading consent.

These include:

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- A person trading under the authority of a **Pedlars' certificate** granted under the Pedlars Act 1871. Pedlars' are required to hold a certificate issued by the Police force in the area that they reside. They are able to travel to trade within the area and must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Trade carried out by **rounds man** eg milkman offering or selling things with defined customers and defined routes.
- Trade carried on at a **petrol filling station**.
- A **news vendor** selling only newspapers and periodicals (subject to size restrictions on the stall/receptacle from which they operate).
- A market trader operating at a **statutory market venue** or markets and fairs granted by charter. Other similar market events may need a special events consent.
- **Trading at or adjoining a shop premises** as part of the business of the shop.
- **Street collections** including direct debit collectors

3.2 This council through its policy will also seek not to require trading consents in the following circumstances:

- Residents wishing to sell items from the pavement outside their home address on a temporary basis such as 'honesty boxes' or a 'one off' house clearance.
- Some Fetes, carnivals or similar community based and community run events, for example Christmas lights switch-on events, Christmas Fayres where the proceeds are raised for charitable purposes only.
- Individual personal car sales in the street (one vehicle), when this is not being done as part of a car sales business.
- One off 'cake bakes/bake sales' fundraisers to raise money for charity such as Lifestyle where there is no personal or business gain.

Community and Special Events/Markets

3.3 At special events such as continental markets and some commercially run christmas fayres, the Licensing Authority will issue one street trading consent to the individual organising the event/market, rather than to each individual trader. **This will not include events run by charitable organisations to raise money for charity with no personal or business gain** **This policy is aimed at promoting and supporting events in the area and encouraging more traders to attend them.**

To reduce costs and burden on individual traders a single Special Events consent, which will cover a number of traders at special events. The number of traders covered is as follows:

- Category 1: Up to 6 stalls
- Category 2: 7 to 24 stalls
- Category 3: 25 stalls or over

- 3.4 Consents will be issued either on an annual basis for the multiple use sites or on an occasional/ad hoc basis for single-use or special event consents.
- 3.5 The Consent issued will relate to the **duration of the Special Event** and may include specific conditions, in addition to standard consent conditions, according to the individual merits of the event. Community and similar events will normally be organised by a town or parish council, East Riding of Yorkshire Council or by a recognised group or charity with aims of engaging with and providing support to the local community. In each case an application will need to be made by a named responsible individual. In some cases depending on the type of Event a fee may not be required.
- 3.6 Each special event application will be judged according to its merit and any applications which fall outside this policy, or those that attract relevant objections (see Schedule 1) will be determined by the Licensing Committee.
- 3.7 Special Event applications would typically, but not exclusively, include:
- Local charity events- no fee payable
 - Community fairs and craft events
 - International/continental and trade markets
 - Events celebrating local anniversaries such as Christmas Fayres
 - Night Markets

PART 4 GENERAL POLICY

- 4.1 *Each application for the grant or renewal of a street trading consent will be considered on its own merits.*
- 4.2 Before a **new** street trading consent is issued the Licensing Authority will check the **prohibited street list** to identify if the location is restricted for trading purposes and where necessary consult with the following bodies to determine ownership of the ‘street’:
- Highways Team.
 - Foreshore Inspector (if applicable).
 - Asset Strategy or Terrier Section (where appropriate)
- 4.3 **Mobile or multiple site consents** are issued to traders who want to trade from numerous locations for a short period of time in any one week. An example of a **mobile consent** would be someone who trades from an ice cream van or trades in other cold foods/confectionary and visits a number of localities for short periods of time (moving on from the site when the last customer has left).

- 4.4 **A multiple site consent**, will enable traders of **hot food only** (such as a fish and chip mobile vendor) to remain on site in local villages for a number of hours each day/evening to cook and serve their food.
- 4.4 It is expected by the Licensing Authority that a **mobile trader** such as an ice cream vendor will move from street to street and will only remain stationary for the short period of time in which sales are being made. In the case of a hot food/fish and chip **multiple site** vendor a limit of a maximum period of **three hours** at each site will be conditioned on the consent as will the number of sites to be visited each week (**no more than five sites in one week**).
- 4.5 If the application for a mobile or multiple site consent relates to the sale of food then consultation with the Food Services Team may be required if the trader does not already hold a Food Registration on the Council's Food Register. The safety of customers using and staff operating the unit will be of paramount importance to the Licensing Authority when considering the grant of mobile or multiple site consents.
- 4.6 Full consultation may not be required for applications for mobile or multiple site consents. The Licensing Manager or Senior Licensing Officer, under delegated authority, will determine those to be consulted in these cases.
- 4.7 In some cases additional consultation with other bodies may be required to take place as deemed appropriate for the circumstances of the application made.
- 4.8 Where consultation is necessary, it will be carried out by e mail for a maximum period of **10 calendar days** from the receipt of a full valid application.

4.9 **Objections and convictions/cautions**

Any objection to an application received from a consultee or any conviction/caution shown on a basic disclosure criminal record check will be assessed by the Licensing Manager against the criteria shown below:-

- 4.10 ***Basic Criminal Record Checks*** - Determination to grant or refuse a trading consent following convictions recorded on the basic check will be delegated to the Licensing Manager for a decision subject to further Appeal to the Licensing Committee. Decisions will be made in accordance with the aims of the policy in relation to the protection of the safety of the public and safeguarding and having regard to spent convictions under the Rehabilitation of Offenders Act.

Any convictions/cautions, which are not spent and relate to sexual or violent behaviour (including domestic violence), drugs, firearm offences, theft/fraud or any offences involving harm to children or vulnerable person's will be refused or the application may be referred to the Licensing Committee for further consideration depending on the circumstances.

Where revocation of an existing Consent to trade is sought following serious allegations or cautions/convictions during the period of holding the Consent then the matter will always be referred to the Licensing Committee for final determination.

- 4.11 ***Crime and Disorder*** - A Street Trading Consent may not be issued for a location or time period that may lead to or increase incidents of crime and disorder for example trade in the night time economy in hot spot areas However, each case will be dealt with on its own merits and where considered appropriate to the circumstances or to benefit an area of identified need a consent may be granted.

Any matter may be referred to the Licensing Committee for final determination if the Licensing Manager feels this is appropriate for the particular circumstances of the case especially if the issue is of a sensitive nature or may attract media attention.

- 4.12 An authorised officer of the Licensing Authority can also object to the grant of a street trading consent where the grant would undermine one or more of the criteria shown below:
- (a) Whether there is sufficient space for a trader to engage in trading without causing undue interference or inconvenience to persons using the street.
 - (b) Whether the activities of the trader would have an adverse affect on residents or business through noise, odour, littering or other nuisances.
 - (c) Whether the activities of any trader would have an adverse effect on road safety.
 - (d) Whether the application for consent to trade in relation to a street which has been deemed by resolution of the Council to be a “Prohibited Street”.
 - (e) Whether the applicant is unsuitable to hold consent by reason of having been convicted of an offence, or for any other reason.

Following the determination of an application, there is **no right of appeal** under the statutory legislation against refusal to issue, revoke or refusal to renew consent; therefore if an applicant is aggrieved by the Licensing Authority’s decision; they have the option to seek a **Judicial Review** of the decision made.

- 4.13 Where an application is refused, the payment of the application fee shall be refunded, less an administrative charge.

PART 5 TRADING ON PRIVATE LAND- PLANNING PERMISSION AND LAND OWNER’S CONSENT

- 5.1 To trade on **private land** within the East Riding of Yorkshire, a street trading consent **may** be required from the Licensing Authority for new and renewal applications.
- 5.2 Evidence must be provided by the applicant to prove that the trader has the written permission of the landowner or his authorised agent confirming that the right to trade has been granted. This must be obtained prior to making an application. **This includes the right to trade on private land in respect of daily consents.**
- 5.3 Written permission to use **Council owned land** ‘other than the public highway’ may also be required and you must seek advice from the Council at an early stage on this matter.

- 5.4 You may also require planning permission for the site and should contact the Planning Authority prior to making your application for consent. We will inform the Council's Planning Authority of any application that we receive to trade on private land and inform them when any consent is granted.

PART 6: APPLICATIONS

- 6.1 Applications for new annual, seasonal, mobile, special event and multiple site street trading consents should be accompanied by the following supporting documents:
- Application form
 - Public liability insurance of **minimum £2 million covering third party and public liability risks.**
 - Fee or proof of payment.
 - A basic disclosure criminal record check on the applicant from an approved body or a subject access disclosure from the local police station. Please note that spent convictions are not relevant for the grant of a street trading consent but may be shown on a subject access disclosure. On application the basic criminal record check will not be accepted if it is submitted later than six weeks from the date of issue on the basic check. **The basic disclosure check will need to be updated every third year before renewal of the consent. The trader, once licensed, must inform the Licensing Team of any arrests, cautions or convictions during the period the Consent is held.**
 - Proof of the applicant's and any prospective employee's right to live and work in the UK by means of Visa or National insurance record.
 - A passport photograph of the applicant for a street traders identification badge (this must be a certified photograph signed by a person of professional standing eg bank manager, doctor, teacher, police officer who confirms that they have known the applicant for over three years and in what capacity they have known them). This photograph will need to be updated each **third year** or should the appearance of the trader significantly change.
 - Written proof of landowner's/agent's consent if trading from private land.
 - A site plan of where the unit will be positioned in a suitable scale.
 - Two photographs of the unit to be sited.
 - Relevant qualification and Food hygiene rating **if food trader-** as a minimum, food traders and their employees must hold a current **Level 2 Award in Food Safety in Catering** and be accredited by the East Riding of Yorkshire Council of holding a food hygiene rating of **level 3 or above.**

Where there is any doubt that consent will be granted, as the location may be unsuitable or the individual does not have the correct requirements in place, advice should be sought from an authorised Licensing Officer who will inspect the site in question prior to an application being made and before the applicant purchases a trading unit. A pre-application charge will be made for any site visit.

6.2 *When determining the application the Licensing Authority will take the following licensing objectives into account:*

Objective 1 – Promotion of public health and public safety

The Licensing Authority will determine whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include: obstruction by placing of the Unit, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing/leaving the site. In addition:

- No smoking is permitted by the consent holder or their employee either inside or immediately outside the trading unit.

Objective 2 – To promote food safety (food traders only)

The Licensing Authority expects that applicants who trade in hot or cold food must be able to demonstrate a good understanding of food safety law and be registered as a food business with the relevant local authority. As a minimum, food traders and their employees must hold a current (not older than 3 years at time of application) **Level 2 Award in Food Safety in Catering** and are expected to have achieved a **Level 3 or higher score** in the east Riding of Yorkshire Council's Food hygiene ratings accreditation scheme

In addition:

- Only one sign will be allowed on the approach to each trading location. It must not be a danger to motorists or pedestrians. All signs will be removed after the hours of business. Signs and A -Boards can only be used with the written permission of the Highways Team.
- The unit must be clean at all times and must protect food from the risk of contamination.
- All food handlers must keep themselves and their over-clothing clean at all times. Smoking and spitting is prohibited on or immediately outside the vehicle.
- With the exception of assistance dogs, no live animals, which could contaminate the food, are permitted within the Unit/vehicle.
- The premises must have a sufficient supply of clean and wholesome cold water or facilities to enable the trader to disinfect their hands after each sale and after handling any money from customers.

Objective 3 –Detection and prevention of public nuisance and anti social behaviour

The Licensing Authority will determine using the following points whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour. This will be particularly relevant in residential areas and whether the consent holder will take all reasonable measures to prevent anti-social behaviour or nuisance in the vicinity of their vehicle/premises.

- Will the consent holder cause any obstruction from the placing of their Unit, statutory noise nuisance or danger, in any street, any adjacent premises or to either passers-by, immediate neighbours or the community at large.
- Has the consent holder got the appropriate contracts in place with a waste collection and disposal operator to comply with legal and environmental requirements under the Environmental Health Protection Act 1990.
- Has the consent holder provided a litter receptacle, for use by customers, on or near the trading site where goods are sold that are for immediate use of consumption and will they empty it and dispose of the contents appropriately. **Waste from the Unit must not be placed in litter bins provided for public use.**

Objective 4 – Promotion of environmental improvement and regeneration

The Licensing Authority will consider whether there is a need for the trading provision provided and whether it will add some benefits for residents in the community or comfort stop for road users (for example in lay bys)

In addition:

- Should a consent holder wish to add, alter, amend or extend the range of goods for sale they will first notify and obtain agreement from the Licensing Team..
- The exterior of all Units/vehicles including stalls, barrows and lay-by units shall be well maintained, clean and free from defects. The exterior colour of the Unit will be agreed with the Licensing Team.
- Consent holders will maintain the area within the vicinity of the vehicle. Maintenance will include litter picking during trading and at the end of each trading session. No rubbish or empty waste containers must be left at the site.

6.3 Fees

6.3.1 The fees set by the Council for consents to trade will cover the cost of administering the service and compliance of those consents. The fees will be reviewed annually and will be set on a cost recovery basis.

- 6.3.2 The Council cannot make a profit or loss from the income received from street trading consent fees. Any surplus fee monies at the end of the financial year will be carried forward to the next financial year and the fees for the following year adjusted accordingly as necessary.
- 6.3.3 The current scale of fees can be found on the Council's web site www.eastriding.gov.uk . The full fee is required at the time of making the application.
- 6.3.4 In the event that an application is refused the fee, minus an administration fee will be refunded to the applicant.
- 6.3.5 Where trading ceases during the term of Consent, refunds will not be given for any outstanding period of less than 4 months for annual consents.

PART 7 ISSUE OF STREET TRADING CONSENTS and period of consent

- 7.1 Street trading consents will normally be issued for static and mobile units for a period of 12 months (annual consent) or up to six months (seasonal consent). Special events (markets/fetes for periods lasting between 1 -5 days) or one day consents depending on the type of application made.
- 7.2 Consents will not be issued to any person under 17 years of age.
- 7.3 Fees for consents must be paid in full in advance at the time of application or renewal. In the case of a renewal application failure to make payment may result in the consent not being renewed and a new application would have to be applied for.
- 7.4 There may be times when the permitted area will be unavailable due to utility, maintenance or construction works. This is a normal function of the highways authority and utility companies and will not, therefore, be subject to compensation although every reasonable effort will be made to identify an alternative site during such occasions, where it is possible to do so..

PART 8 RENEWAL OF STREET TRADING CONSENTS

- 8.1 Street Trading Consents are issued for a maximum period of up to twelve months. Applicants should re submit their renewal application form (declaration form) if they wish to continue to trade **at least four weeks** before the expiry of their current consent. These applications can be made on line via the Council's website www.eastriding.gov.uk or by downloading the renewal form.
- 8.2 At this renewal time, the Licensing Authority may choose to consult further to determine if the street trader is a cause for concern or has been the subject of any complaints. Where there are serious concerns or enforcement actions have been taken by the Licensing Team then the renewal application will be referred to the Licensing Committee for determination.

- 8.3 Applications for renewal of a street trading consent are subject to the criteria shown above. Should circumstances have changed since the original grant of the consent then there is no guarantee that the renewal application will be granted.
- 8.4 **The responsibility for ensuring renewal of the consent rests solely with the consent holder.** If a renewal application is not made then the consent will lapse and any application made will be dealt with as a new application and the trader will not be permitted to trade until the new consent is issued. **Where a consent has lapsed and an application for consent for the site has been received from another applicant then the site (where council land/highway) may be offered to the new applicant (subject to meeting other criteria).**
- 8.5 Renewal application forms for consent will not be sent out but are available to complete or download on line from the Council's website www.eastriding.gov.uk , on request by e mail to licensing@eastriding.gov.uk
- 8.6 **Transfer of consent:**
A street trading consent **cannot be transferred or sold** on to another person. **The sub letting of a pitch is strictly prohibited and the Consent will be revoked if this is found to be the case.**

PART 9 : IDENTIFICATION BADGES & PLATES

- 9.1 East Riding of Yorkshire Licensing Authority seeks to promote public safety and the safeguarding of the young and vulnerable at all times. This includes members of the public using the street trading facilities and the safety of the employers within the street trading businesses. The Licensing Authority will take steps to ensure the individuals issued with trading consents are fit to hold a trading consent. This will include individuals employed by the consent owner to work in the unit for more than just 'one off' holiday cover (i.e. cover on more than **four weeks per year** in total)
- 9.2 Each static, mobile or multiple site Unit granted an annual or seasonal consent by the Licensing Authority for the purposes of street trading, will be issued an identification plate, easily identifying the unit/stall/vehicle as authorised to members of the public, police officers and officers of the Council. **This must be attached to the unit/stall/vehicle in line with the consent conditions. The vehicle number must remain as shown on the consent granted and the consent is not transferable between vehicles.**
- 9.3 A basic disclosure criminal record check or a subject access check from the local police will be required with each new grant or every three years for a renewal consent for the applicant and each employee..
- 9.4 A declaration form will be completed by the individual to confirm that they have not been arrested or received any new convictions/ cautions since their original consent was granted.

The applicant must also list at grant and renewal stage and during the term of the consent **all employees (paid or unpaid) associated with the street trading consent,**

- 9.5 Individuals providing more than just holiday cover (maximum of four weeks per year) will also be required to undergo a basic disclosure criminal record check which should be included with the application made. **No employee working under the street trading consent should be under the age of 17 years.**
- 9.6 For applicants renewing a seasonal consent only a basic criminal record check must have an issue date no older than three years at the time of a renewal application being made. A declaration form will be completed by the individual on renewal to confirm that they have not been arrested or received any convictions/cautions.
- 9.7 A fee will be required each third year for a new identification badge issued or at the time if appearance significantly changes.
- 9.8 Should the street trading consent be refused then the Licensing Authority will refund the application fee and the fee for each street trader's identification badge less an administrative fee
- 9.9 All ID badges and plates must be returned to the Licensing Authority on lapse or surrender of the consent. A charge of £50 will be made for any plate or ID badge not returned.

PART 10: CONDITIONS ATTACHED TO THE GRANT OR RENEWAL OF STREET TRADING CONSENTS

10.1 Consent Conditions – General Principles

- 10.2 Conditions on a Consent are important in setting the parameters within which premises can lawfully operate.

Consent conditions:

- Must be appropriate for the promotion of the policy objectives;
- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements;
- Must be tailored to the individual type, location and characteristics of the premises;
- Should be proportionate, justifiable and be capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the consent holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

- 10.3 When granting or renewing a trading consent the Council may attach such conditions as are considered appropriate for the promotion of the policy objectives. A pool of conditions has been produced and will be further developed over time relating to each of the policy objectives. These can be found on the licensing pages of the Council website. A list of mandatory conditions will be applied to all consents.
- 10.4 Each set of conditions will be specific to the trading consent issued. The Council may add to/amend the conditions of a street trading consent at the time of renewal.
- 10.5 The consent / conditions will specify the exact trading location (pitch) and the times of trading.
- 10.6 A **maximum of one food business** will be consented to trade in a lay-by at any one time. Where a lay-by is considered suitable to accommodate a second trader, a Consent may be issued to a non-food trader or if appropriate a food trader of different type ie cold food if initial trader sells hot food.
- 10.7 Standard conditions will be attached to every street trading consent (except daily /mobile consent) detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 10.8 Specific conditions will also be attached such as days and hours when street trading is permitted, the goods which may be sold.
- 10.9 Special conditions will be added to mobile ice cream units, specifying frequency/volume and use of chimes.
- 10.10 Advice on the specific requirements in relation to the storage and/or use of **Liquefied Petroleum Gas** in catering units can be sought from the Council's Health and Safety Team on these matters.healthandsafety@eastriding.gov.uk
- 10.11 Failure to comply with the conditions of the Consent may lead to the suspension, revocation or non-renewal of the consent.
- 10.12 Persons trading without any consent and who are not exempt from obtaining consent will be the subjects of enforcement action in accordance with the licensing enforcement policy. This will include any person who holds a certificate under the Pedlars Act 1871 but who fails to operate in accordance with that Act. *Each case will be dealt with on its own merits.*
- 10.13 If consent is revoked then under the legislation there is no statutory right of appeal against the Licensing Authority's decision other than Judicial Review.

PART 11 – CHARITABLE COLLECTIONS – STREET COLLECTIONS AND HOUSE TO HOUSE COLLECTIONS

Introduction

- 11.1 This part of the Policy sets out how charitable organisations that wish to collect monies and/or goods for charity are dealt with by the Licensing Authority. With charities all collections are charitable, with non charitable organisations their collections can also be called charitable but only if **all (or most)** of the proceeds go to a good cause.
- 11.2 Some collectors do not need a licence as they are subject to a **Home Office Exemption Order**, these are usually large charities granted a national exemption order (NEO), eg the Salvation Army. However there is still a requirement for the charity to notify the Licensing Authority of the date of the collection taking place.
- 11.3 It is unlawful in the United Kingdom to hold, for the benefit of charitable or other philanthropic purposes, a street collection on any street or public place without first obtaining a Street Collection permit from a local authority.
- 11.4 A 'public place or public space' is recognised as a *'place where the public has access that is generally open and accessible to people'*. This need not be in public ownership (for example a shop doorway) and can indeed be indoors. Permits holders are not restricted to the collection of money only, they can also sell articles.
- 11.5 Charitable collections fall into two categories:
- **House- to- house collections** (including houses, pubs, shops and offices) for money or property/goods and a permit is required, and
 - **Street collections in a public place**, which include collections for cash or the sale of articles in the street where the collector is stationary, for which a permit is required.
- If articles are sold for personal gain or as a commercial activity then a street trading consent will be required.**
- 11.6 This Policy seeks to secure the following objectives:
- To enhance the town centres of East Riding of Yorkshire
 - To ensure that promoters and collectors are properly authorised and that promoters are fit and proper persons to carry out such collections.
 - To ensure that the money collected is done so in a secure way and the total proceeds collected are properly accounted for
 - To minimise nuisance to residents and visitors to the East Riding of Yorkshire

Legislation

Street Collections

- 11.7 Street Collections are covered by regulations made under Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by schedule 29 of the Local Government Act 1972. Anyone wishing to collect money on a street or public place as defined in the Act must obtain a Consent from the Licensing Authority.
- 11.8 This type of consent **does not attract an application fee** but the following types of restrictions are imposed:
- Street collections are usually to be made by **charities only**
 - Collections are to take place in **town centres** only
 - The applicant will be vetted to ensure suitability by means of a **basic criminal record** check (disclosure Scotland) or **subject access check** by Humberside Police which should be forwarded with the application
 - Money is to be collected in appropriate vessels only
 - The person organising the collection is required, after it has taken place, to make a statement of return to the licensing authority as regards the sums received and that all money collected has gone to the stated purpose of the collection **within one month of the collection date.**
 - If the collection amount raised exceeds £150 there is a requirement for a summary of the amounts collected and donated to the charity to be published in a newspaper circulating in the area where the collection was made.
 - **If the form of statement is not received by the licensing team then another permit will not be granted until it is received.**
- 11.9 Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons and to secure compliance by collectors within the Regulations.
- 11.10 No promoter of a collection shall permit any person to act as a collector unless he has issued to that person a prescribed official identification badge and a collection box marked with a general indication of the purpose of the collection and a distinguishing number.

House to House Collections

- 11.11 **House to House Collections** require to be licensed by the Council under the House to House Collections Act 1939 and House to House Regulations 1947. The Act only covers charitable collections and **not companies collecting for profit**. Companies collecting for profit should identify that they are not charitable on their bags or leaflets. If the Licensing Authority receives complaints about companies collecting for profit, it will notify the East Riding of Yorkshire Council's Trading Standards Team.
- 11.12 Larger charities are granted **home office exemption orders** and do not therefore require a licence to carry out house to house collection. However these charities still need to inform

the licensing authority of the dates on which they intend to make a collection so that the Licensing Authority's register can be marked up.

- 11.13 Every promoter of a collection must exercise all due diligence to secure that persons authorised to act as collectors are fit and proper persons and to secure compliance by collectors within the Regulations.
- 11.14 No promoter of a collection shall permit any person to act as a collector unless he has issued to that person a prescribed certificate of authority, badge, or if money is to be collected a collection box marked with a general indication of the purpose of the collection and a distinguishing number.
- 11.15 There is no charge for the permit currently
- 11.16 Charities without an exemption order in place wanting permission to collect in the East Riding of Yorkshire must make an application for registration with the Authority. Within one month of the collection date the charity must forward to the council a statement of account.
- 11.17 The conditions of the registration require that:
- You must be a fit and proper person- this will be determined by a subject access check by Humberside Police or basic criminal record check from Disclosure Scotland which should be provided with your application. The check to be no older than 6 weeks at the point of application/notification.
 - You must provide details of the collection dates or dates, location and what is being collected (whether money or articles to sell, giveaway or re use)
 - The collection must be for **charitable purposes**
 - Applications must be made at least one calendar month before the first date of collection.
 - You must provide a letter of authorisation from the charity giving permission for you to collect on their behalf and a leaflet or letter giving details of the aims and works of the charity (new applications only)
 - There is a booklet or leaflet outlining the aims of the organisation (professional fundraisers only)
 - If your application is refused there is a right of appeal to the Secretary of State within 14 days of the decision.

11.18 **Authorisation of Collections**

- (1) permits will be issued by officers in the Licensing Team within 5 working days of receipt. The Licensing Authority will refer to this policy when making its decision.
- (2) A spreadsheet diary of all street collections and house to house collections will be kept. This information will be made available on the council's website

- (3) Within Beverley, Goole, Pocklington, Hessle, Howden, Anlaby, Cottingham, Withernsea, Hedon and Bridlington Town Centres the Council will only permit a **maximum total of two street collections per week** at each location. All other town/village locations will be limited to no more than one per week.
- (4) All permits will be granted during the month of April and if there are more requests for a collection in one area than is allowed, the Licensing Committee or authorised officer will assign the collections to be permitted with a priority given to local charities specific to East Riding of Yorkshire area and local collections.
- (5) At the discretion of the Director of Environment and Neighbourhood Services in consultation with the Portfolio Holder up to 5 additional dates in each area can be allocated for disasters or need that has arisen since the list was drawn up (eg-national disaster relief funds, collections for children recently diagnosed with a problem who need urgent money for treatment),

11.19 **Number of Permitted Collections**

The Licensing Authority will have a co-ordinated approach to how many street collections and other such activities it will allow in any one area

Collections will normally only be allowed on a Thursday, **Friday, Saturday, Sunday or bank holiday** unless a request is specifically made for other days of the week and these will be considered on a case by case basis by the Licensing Manager.

House to house collections will normally only be granted on a week day, **Monday- Friday** and will be limited to no more than 1 house to house collection each week in each area.

11.20 **Other Street Activities (not controlled by authorisations)**

There are a number of other activities that take place in the streets of the East Riding of Yorkshire that **cannot** be controlled by licence, permits or consents

These activities are listed below :

Petitions

People or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups. Every person enjoys the right to freedom of speech and the Licensing Authority will only take action if it receives complaints about disorder or threat to public safety. In such cases it will notify the police.

Awareness

People, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets.

Market Research

This type of activity includes mail order companies, insurance companies and national questionnaires.

Pedlar

They are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. **They must not remain stationary after the sale has been made.**

Direct debit schemes

At present charities canvassing direct debits do not require any permission from the council. The Licensing Authority is looking to enter into a voluntary agreement with Public Fundraising Regulatory Association (PFRA) to control the number of collectors in the East Riding of Yorkshire area at any one time and to ensure that the canvassers comply with the Fundraising code of practice. There are proposals planned nationally to address these schemes.

Busking

If the busker/s is selling CD's of their performances or other goods then a street trading consent may be required. Each case will be looked at on its own merits.

DEFINITIONS – street collections

“Charity” an organisation which has applied to the Government’s Charity Commission for approval to operate as a charity (in accordance with the Charities Act) has been vetted by the commission and has been accepted by the commission.

“Charitable Purpose” means any charitable, benevolent, or philanthropic purpose, whether or not the purpose is charitable within the meaning of any rule of law. If a collection is not for a charitable purpose, it does not need a licence- for example a commercial collection conducted solely for private profit. The key is where the proceeds go to (the purpose) rather than who is collecting.

“Collection” means an appeal to the public, made by means of visits from house to house, to give, whether for consideration or not, money or other property; and **“Collector”** means a person who makes the appeal in the course of such visits. .

“Donate” has charitable connotations, a collector using the word donate is indicating the collection is charitable and that means it needs a licence.

“Non registered” if the turnover of a potential charity is very small, it does not become a registered charity- it simply writes to be recognised by the Charity Commission as a charity. Once approved it has no registration number but can call itself a charity.

“Proceeds” means in relation to a collection, all money and all other property given, whether for consideration or not, in responses to the appeal.

“Promoter” means a person who causes others to act as collectors for the purposes of the collection. The promoter of a collection must, within one month of the expiry of the licence, furnish an account of the collection in the form prescribed to the licensing authority or the Secretary of State, as the case may be.

“Registered”- if the turnover is substantial , the Commission adds it to the official register of charities and gives it a registration number, the charity is then called a registered charity

PART 12: The Scheme of Delegation

12.1 Applications for Street Trading Consents and Collections are delegated to officers and the Licensing Committee as shown in the attached scheme of delegation

Matter to be dealt with	Licensing Manager/ Head of Service	Senior Licensing Officer	Director of Environment and Neighbourhood Services in consultation with Portfolio Holder	Licensing Committee
Grant or renewal for Street Trading Consent (annual/seasonal/ Multiple sites, occasional)	If an objection is made or where convictions are disclosed on the criminal record check	If no objection is made		Where determined necessary by the Licensing Manager or where the issue is of a sensitive nature or may attract media attention
Grant or renewal for a street trading consent for a Special Event	If an objection is made	If no objection is made		
Attachment of standard conditions or specific conditions with the	In all cases	If no objection is made		If applicant/consent holder objects to the addition of the condition/s

agreement of the Consent holder				
Review of Policy and Conditions			Minor changes to policy	In all other Cases
Setting and reviewing of fees			In all cases	
Revocation of a Consent				In all cases
Additional street collection consents	In all cases			
Suspension of a Consent for a period of up to 28 days	Where serious food safety or public safety issues are found or serious breach of licence conditions			
Registration of Street or House to House Collections	In all cases where numbers meet policy restrictions		Where additional consents are requested- up to 5 in each area.	

The Licensing Committee can take all of the actions delegated to officers if they chose to do so at a Committee hearing.

12.2 Decisions

Following the determination of an application by the Licensing Committee or Licensing Manager, under delegated powers, the applicant and objectors will be notified of the decision. An authorised licensing officer will send written confirmation of the decision as soon as possible after the decision is made or in all cases within seven days of the decision being made.

- 12.3 Following the grant of the street trading consent a compliance visit will be carried out within 14 days of the grant, of the stall/mobile by an authorised licensing officer to ensure compliance with licensing conditions and check on other consents such as planning consent/food registration

PART 13 COMPLIANCE AND ENFORCEMENT

- 13.1 This section of the licensing policy details the Licensing Authority's commitment to working with local business to seek compliance of licensing conditions and where necessary,

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enforcing the provisions contained within the appropriate legislation and the Licensing Authority's conditions attached to the Consent, permit or licence granted.

- 13.2 Any enforcement of the policy will have regard to the Regulators Compliance Code: Statutory Code of Practice and the provisions of the licensing compliance and enforcement policy.
- 13.3 It also highlights the Licensing Authority's commitment to work in partnership with business and all enforcement agencies, to provide consistent advice and compliance on licensing issues but still allow and encourage economic growth.
- 13.4 Where any breach of consent, permit or licence is found, the Licensing Authority will seek compliance in the first instance through working with the trader or collector or use of informal warnings and will only intervene where there is a clear case of threat or harm and action is necessary for the protection or safeguarding of the public or where previous warnings issued have not been complied with. In these circumstances the Licensing Authority may seek the revocation of or refusal to renew the consent.
- 13.5 The Licensing Authority will work with the trade to encourage and promote self regulation and co regulation where it is appropriate to do so to reduce burdens on both the regulator and those subject to the regulation.
- 13.6 Any enforcement action will be:-
- **Proportionate** in law and to seek compliance.
 - **Consistent** in approach.
 - **Targeted** towards applicants not complying with their consent or conditions or unlawful activity.
 - **Transparent** in helping applicants and consent holders to understand what is expected of them.
- 13.5 Where high priority visits are carried out they will be subject to a risk based assessment showing evidence of both:
- **A compliance breach or breaches which would pose a serious risk to a regulatory outcome; and**
 - **There is high likelihood of non-compliance by those the subject of the regulation.**
- 13.7 Where licensing officers visit or carry out compliance checks of licensed individuals, we will also give positive feedback to those licensed or registered to encourage and reinforce good practices
- 13.8 We will also share with those subject to regulation, and with other regulators, information about good practice to enhance and promote partnership working.

14 Complaints

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14.1 All complaints received relating to street traders or street collectors will be investigated and any appropriate action taken. The outcome of a complaint investigation may result in:

- No action being taken;
- Additional conditions being placed on the consent;/registration
- An existing condition being amended / removed;
- A change to the designated trading/collecting area;
- Revocation of the consent/registration;
- Refusal to renew the consent or issue further registrations
- Prosecution / caution.

APPENDIX A

PROHIBITED STREETS

Prohibited Streets/areas

The following 'streets' within the East Riding of Yorkshire are currently designated as prohibited streets for the purposes of street trading pursuant to the Local Government (Miscellaneous Provisions) Act 1982 for highways safety reasons.

Road No	USRN	Street_ Name	Town	Notes
A1033	45912372	HEDON BYPASS	HEDON	Eastbound/Westbound Junction South Carr Dales Road
A1033	45911041	PATRINGTON ROAD	HOLLYM	Southbound
A1034	45901948	MARKET WEIGHTON ROAD	SANCTON	Northbound
A1034	45902987	STATION ROAD	SOUTH CAVE	North of Sawmill
A1035	45903798	DOG KENNEL LANE	BISHOP BURTON	Eastbound (brow of hill)
A1035	45901858	MAIN STREET	CATWICK	
A1041	45902726	SELBY ROAD	SNAITH	Possible location of the above but is off the carriageway
#N/A	45901070	FERRY LANE	SNAITH	
A1079	45904973	YORK ROAD	BARMBY MOOR	Westbound
A1079	45904974	YORK ROAD	BARMBY MOOR	Eastbound
A1079	45903561	YORK ROAD	BISHOP BURTON	Northbound/Southbound
A1079	45904978	YORK ROAD	CHERRY BURTON	Eastbound/Westbound
A1079	45904974	YORK ROAD	HAYTON	Westbound (Bielby Lane)
A1079	45904974	YORK ROAD	HAYTON	Westbound (Dual Carriageway)
A165	45904265	SCARBOROUGH ROAD	BRIDLINGTON	Northbound (West Huntow) NOT

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BUCKTON

A166	45904611	CLAY HILL	BISHOP WILTON	Westbound
A166	45904624	GARROWBY HILL	BISHOP WILTON	Eastbound/Westbound
A166	45911026	ROMAN ROAD	BISHOP WILTON	Westbound
A166	45903562	YORK ROAD	FRIDAYTHORPE	Westbound
A166	45911043	BRIDLINGTON ROAD	FULL SUTTON	Westbound
A166	45911031	LITTLE DRIFFIELD BYPASS	LITTLE DRIFFIELD	Eastbound
A614	45908278	RAWCLIFFE ROAD	AIRMYN	Eastbound/Westbound (North Airmyn Grange)
A614	45908278	RAWCLIFFE ROAD	AIRMYN	Eastbound (White City)
A614	45904585	RAWCLIFFE ROAD	GOOLE	Eastbound
A614	45901857	MAIN ROAD ROAD FROM THORNHOLME TO	HAISTHORPE	Eastbound/Westbound
A614	45904896	HAISTHORPE	HAISTHORPE	Westbound
A614	45904881	BOOTHFERRY ROAD	HOWDEN	Eastbound/Westbound
A614	45904882	HOWDEN SPUR	HOWDEN	Northbound
A614	45904587	TOWTHORPE LANE	SHIPTONTHORPE	Eastbound/Westbound
A614	45913360	MAIN STREET	THORNHOLME	Westbound
A645	45904671	PONTEFRACT ROAD	SNAITH	Eastbound/Westbound
B1230	45901843	MAIN ROAD	BALKHOLME	Eastbound
B1230	45904029	MAIN ROAD	GILBERDYKE	Westbound
B1230	45904699	WOLD HILL	NORTH CAVE MIDDLETON ON THE	Eastbound/Westbound
B1248	45911063	LUND ROAD	WOLDS	Northbound
A1035	45904040	MALTON ROAD	MOLESCROFT	Eastbound/Westbound

Other Prohibited areas

- A63 from the Hull City boundary to its junction with the M62,
- A165 Leven bypass from its junction with Catwick Lane, Brandesburton to its junction with the A1035,
- A1035 from its junction with the A165 westwards to Monk Dyke bridge,
- A1079 from the Hull City boundary to its junction with the A1035 York Road, Beverley,
- A15 Humber Bridge northern approach road,
- Minster Way, Woodmansey
- Carnaby Industrial Estate, Bridlington, all roads,
- A164 lay by (near Lazatts) and existing north of Beverley turn off.
- The Foreshore/promenade areas in Bridlington and Hornsea will need the written agreement of the Foreshores Inspector to use the land before any consent is granted.

All other ‘streets’ within the East Riding of Yorkshire are consent streets pursuant to the Local Government (Miscellaneous Provisions) Act 1982.

Where the land is ‘council responsibility/ownership’ but not part of the Highway then additional permission may be required to use the land- please seek advice from the Licensing Authority prior to making an application. The use of town centres for trading purposes where the same trade exists is likely to be refused.

APPENDIX B

CONDITIONS : STATIC OR MOBILE TRADER

Specific conditions in relation to mobile ice cream vendors and special events are shown at Appendix B (i) and Appendix B (ii).

General

The consent is only valid for the person named and is not transferable.

1. The consent holder will notify the Council in writing within 48 hours of any change of name or home address.
2. No person under 17 years of age will be granted a Consent to Trade or be employed to work in the trading unit unsupervised.
3. The Consent to Trade will be valid for 12 months or less if seasonal consent (up to 6 months)
4. Should a consent holder commit a breach of street trading law or of these consent conditions, this may lead to suspension or revocation of the Consent.
5. The consent holder’s Unit must be fit for purpose and will conform, where appropriate, to road vehicles construction and use legislation.
6. The Unit will be maintained in good condition and kept in a clean and tidy condition at all times.
7. The consent holder shall at all times maintain a valid insurance policy covering street trading activity for third party and public liability risks up to £2 million. The consent holder must

produce a valid certificate for this insurance at any time on the request of an authorised council officer.

8. The consent holder must have the written permission from the owner of the land to trade on private land which is not part of the public highway.
9. Consent holders shall not trade outside of the designated trading area without the written authorisation of the Licensing Authority.
10. The Unit/ or vehicle shall be **removed** from the site at the end of every working day unless the Council agrees otherwise in writing that it can remain on site or where appropriate permission has been granted by the private land owner.

No trading is allowed **before 5.00 hours or after 23.00 hours each day** unless a late night refreshment licence (hot food and hot drink) has also been granted under the Licensing Act 2003. Any street trader in the town centre of Beverley, Goole or Bridlington should vacate the site by no later than **22.00 hours each day** unless a specific grant is in place specifying different hours of trade.

11. The consent holder will allow authorised officers of the Council to inspect his/her Unit/vehicle at any reasonable time.
12. The consent holder will prominently display their Consent in their Unit/vehicle etc. whilst trading.
13. The consent holder will prominently display their sales prices whilst trading.
14. The consent holder will comply with any reasonable request made by a duly authorised officer of the Council or by a Police Constable.
15. The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, the locating of temporary street furniture (e.g. Christmas tree) or if the pitch is required to facilitate temporary traffic and/ or pedestrian management arrangements. **No compensation will be paid to the consent holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.**
16. A street trading consent does not relieve the consent holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Highways Act 1980, the Food Safety Act 1990, the Town and Country Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990, the Licensing Act 2003. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with general or local legislation.

17. A consent holder shall not assign, underlet or part with his interest or possession of a street trading consent. **Consents are not transferable to other individuals. Subletting of the Unit is not allowed at any time.**

18. Consent to trade may be suspended , revoked and conditions altered at anytime. This may be for a number of reasons eg:

- Failure to comply with consent conditions or relevant legislation.
- Causing a nuisance to local residents/businesses.
- For public health or public safety reasons
- Local conditions being changed eg parking restrictions.
- Substantiated complaints being received.
- Subletting of the Unit/van

If you trade without consent or outside the places or times allowed, you may be prosecuted in Court or your consent may be revoked.

CONDUCT

- Consent holders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy. Traders shall ensure that their staff are competent, courteous and helpful.
- Consent holders will not obstruct Authorised Officers of the Council or Police Officers at any time and will always be polite and courteous.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

APPENDIX B (i)

SPECIAL CONDITIONS: FOR MOBILE ICE CREAM TRADERS ONLY

The consent is only valid for the person named and is not transferable.

These conditions will be attached to the grant of **all** mobile ice cream vans. This means a vehicle adapted for the sale of ice cream and which only sells ice cream, cold soft drinks, cold sandwiches, confectionary, crisps and frozen lollipops.

- Vehicles must prominently display the plate issued to them at all times and move from position to position remaining stationary for no more than five minutes to initially attract customers and thereafter only long enough to serve the customers present. The vehicle must move on as soon as the last customer has been served with their purchases.

- The consent holder must ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to other road users or pedestrians.
- Not stop within 100 metres of school grounds or school gates during the school day without the written consent of the school or Licensing Authority.

CHIMES (BASED ON THE EXISTING NATIONAL CODE OF PRACTICE FOR ICE CREAM CHIMES 2013)

Volume

Chimes and other audible sounds should be no louder than 80dB (A) at a measurement distance of 7.5 metres. The level should be reduced to take account of quiet areas and narrow streets.

Playing Time

The passage of music should not last more than twelve seconds at a time.

Frequency - chimes should not be played:

- More than once on approach to a selling point.
- More than once when the vehicle is stationary.
- At intervals of less than two minutes.
- When in sight of another mobile trader.
- More often than once every two hours in a particular length of street.

Use of Chimes in Sensitive Areas

- Chimes should not be played within 50 metres of hospitals (or similar), schools, during school hours, or places of worship on Sunday or other recognised day of worship.
- It is an offence to play chimes before 12 noon or after 19.00 hours.

Failure to comply with these conditions

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

APPENDIX B (ii)

CONDITIONS APPLICABLE TO SPECIAL EVENTS CONSENT

The consent is only valid for the person named and is not transferable.

The consent holder shall keep records of each stallholder present, to include the stall holders pitch number, name (and company name), their address, vehicle registration and a contact telephone number. This must be produced on the request of an authorised officer of the Licensing Authority

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All stalls working under the Special Events Consent must be issued with a number that must be displayed on the stall.

Other Conditions

- There shall be no stands or signs away from the consent Event location
- The consent holder must not permit the sale of offensive weapons, including imitation firearms, firearms, airguns, swords and crossbows on any stalls.
- The consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal
- The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council
- No animal shall be present or sold on any stall or present in any vehicle forming part of the market or Event.
- The trader is not permitted to hold any auction or like sale under this Consent.
- The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site
- There shall be no discharge of waste water or other liquid waste onto the consent site or surrounding areas
- No form of amplified live music shall be permitted, background recorded or unamplified music may be provided if authorised by the Council.

Failure to comply with these conditions

If a Consent holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or could be revoked. The Consent Holder may also be prosecuted.

Part 14: CONTACT INFORMATION:

The Licensing Team
East Riding of Yorkshire Licensing Authority

For more information please visit our website: **www.eastriding.gov.uk** or contact the Team for business advice via our email on **[licensing @eastriding.gov.uk](mailto:licensing@eastriding.gov.uk)**