

## PROPOSED AMENDMENTS: 2017 – PENDLE BC'S STREET TRADING POLICY (JUNE 2012)

Pendle Borough Council's The Street Trading policy has been in force since its initial implementation in 2012. Whilst the policy has been very effective at reducing problem issues in the advertising of goods on the street, it is felt it requires modernisation to continue to deal with an ever-changing market and to guard against issues that may arise in the future.

The amendments tighten up certain provisions in relation to permissions before engaging trade in vehicles and deals with concerns more recently raised nationally with regard to child sexual exploitation. The policy also covers, for the first time, guidance in relation to the employment of persons with convictions.

The policy also seeks to ensure a healthy outlook, by considering restricting trade around schools and educational establishments.

### **Changes proposed – 2018**

#### Summary:

<b>Section ref.</b>	<b>Existing</b>	<b>Proposed</b>
2.2 (a)	a 'Consent Street' which is a street in which street trading is prohibited without the consent of the District Council.	A 'Consent Street' which is a street in which street trading is prohibited without the consent of the Council.
2.2 (b)	a 'Licence Street' which is a street in which street trading is prohibited without a license granted by the District Council.	A 'Licence Street' which is a street in which street trading is prohibited without a licence granted by the Council.
5.1	In order to apply for a Street Trading Consent:	In accordance with section 7(2) of the Local Government (Miscellaneous Provisions) Act 1982 a Council may grant a Consent if they think fit. In order to apply for a Street Trading Consent:
5.1 (c)	a standard/basic CRB form not less than one calendar month old must accompany the application. If the applicant intends to employ any other person in the course of the business in respect of which he application for the consent is made, then a further separate such standard/basic CRB form shall be submitted in respect of each such employee.	A basic DBS disclosure not less than one calendar month old must accompany any new or renewal application. If the applicant intends to employ any other person in the course of the business in respect of which the application for the consent is made, then a further separate such basic DBS disclosure shall be submitted in respect of each such employee initially and on renewal.
5.1 (d)	If a vehicle is to be used, the applicant must submit insurance covering the vehicle for Street Trading.	If a vehicle is to be used, the applicant must submit their driving licence details, insurance covering the vehicle for Street Trading and an MOT (if appropriate). (i) The driving licence details, valid

		insurance and MOT must also be submitted at any subsequent renewal applications.
5.1 (f)	The application must be accompanied by the relevant fee.	The relevant fee will be payable upon grant of the Consent.
5.1 (h)	<i>New</i>	Street Traders selling food must be registered as a food business with their home Authority, and show confirmation of this when applying.
5.1 (i)	<i>New</i>	New applicants will be expected to undergo CSE (Child Sexual Exploitation) safeguarding training before a Consent will be granted. (i) Renewal applicants will also be expected to undergo this training, but will be able to continue to trade whilst awaiting a training place. (ii) Training will be provided by the Council at no charge to the applicant.
5.5.2	The CRB form referred to in paragraph 5.1 (d) above reveals any adverse entries in respect of the applicant or any employee, then the Council's Licensing Committee will meet to determine the application, taking into account the responses to those consultations. The Licensing Committee will then either grant or refuse the application.	The DBS disclosure referred to in paragraph 5.1 (c) above reveals any adverse entries in respect of the applicant or any employee, then the Council's Licensing Committee will meet to determine the application, taking into account the responses to those entries. The Committee will then either grant or refuse the application. (i) Certain 'lesser' offences may be dealt with at Manager level. A list of offences and guidance will be kept and can be referred to by applicants (Appendix A).
5.5.3	<i>New</i>	Council Officers will be allowed to add, to any consent, employees (minimum age of 15 years) who have presented a relevant DBS disclosure which shows no convictions, without an appearance before Committee.
6.2	<i>New</i>	Holders of Consents which are revoked shall be prevented from making a new application until after a period of twelve months, since revocation, has elapsed.
7	<i>New</i>	General
7.1	<i>New</i>	The holder of the Consent 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. Ward Councillors would also be consulted prior to such a variation being approved, with the application being determined

		before Committee, if appropriate.
7.2	<i>New</i>	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 the Council for persons found trading from unsuitable or illegal sites.
7.3	<i>New</i>	The Council may forfeit the Consent if the Consent Holder shall, without good cause, fail to comply with any condition in the Consent.
7.4	<i>New</i>	The current application fee can be found on the Council's website.
8.1 (formerly 7.1)	Dependent on the type of trading activity the following conditions will normally be attached to a Street Trading Consent:-	The Consent granted by the Council may be revoked at any time, should one or more of the conditions be breached. Dependent on the type of trading activity the following conditions will normally be attached to a Street Trading Consent:-
<i>Formerly Cond. 3; 7.1</i>	The Consent granted by the Council may be revoked at any time, should one or more of the conditions be breached	<i>removed</i>
<i>Formerly Cond. 4; 7.1</i>	Applications for a Street Trading Consent, must state the site from which they wish to trade.	<i>Removed</i>
<i>Formerly Cond. 6; 7.1</i>	The holder of the Consent 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.	<i>Removed from section</i>
<i>Formerly Cond. 7; 7.1</i>	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 the Council for persons found trading from unsuitable or illegal sites.	<i>Removed from section</i>
Cond. 5; 8.1 (formerly Conds. 9 & 11; 7.1)	Nuisance or annoyance shall not be caused by the holder of the Consent or any of his/her employees to persons using the street or otherwise. The Holder of the Consent 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.	<i>To join together</i>
Cond. 6; 8.1 (formerly	No obstruction of any street or right of way or danger to the public shall	No obstruction of any street or right of way or danger to the public shall be caused by

Cond. 10; 7.1)	be caused by the holder of the Consent or any of his/her employee of his.	the holder of the Consent or any employee of him/her.
Conds. 7 & 8; 8.1 (formerly Cond. 12; 7.1)	<i>To separate</i>	<ul style="list-style-type: none"> <li>• The Holder of the Consent shall comply with all legislation relevant to the conduct of the business in which he/she is engaged.</li> <li>• The Holder of the Consent shall ensure that any vehicle used by him/her in connection therewith is in a roadworthy condition and where necessary, taxed and insured.</li> </ul>
Cond. 9; 8.1 (formerly Cond. 13; 7.1)	The Holder of the Consent or any person employed by him/her shall not use any loudspeaker, whistle, horn, bell or their audible method to attract custom.	The Holder of the Consent or any person employed by him/her shall not use any loudspeaker, whistle, horn, bell or other audible method to attract custom; excepting ice-cream vans.
Cond. 10; 7.1 (formerly Cond. 14; 7.1)	<p>The following special conditions apply to consents issued in relation to ice-cream sales:</p> <p>a) Chimes should not be sounded before 12noon or after 7pm.</p> <p>b) Chimes should not cause nuisance or annoyance, in particular they should not be sounded:</p> <p>(i) for longer than 4 seconds at a time,</p> <p>(ii) more often than once every 3 minutes,</p> <p>(iii) when the vehicle is stationary,</p> <p>(iv) exception on approach to selling point,</p> <p>(v) within sight of another vehicle which is trading,</p> <p>(vi) within 50m of schools (during lunch hours), hospitals and places of worship (on Sundays or other recognised days of worship),</p> <p>(vii) more often than once every 2 hours in the same length of street,</p> <p>(viii) louder than 80db(A) measured at a distance of 7.5m</p> <p>(ix) as loudly in quiet streets or narrow streets as elsewhere.</p>	<p>The following special conditions apply to consents issued in relation to ice-cream sales:</p> <p>a) Chimes should not be sounded before 12noon or after 7pm.</p> <p>b) Chimes should not give reasonable cause for annoyance.</p> <p>c) Chimes should not be sounded:</p> <p>(i) for longer than 12 seconds at a time,</p> <p>(ii) more often than once every 2 minutes,</p> <p>(iii) more than once when the vehicle is stationary at a selling point,</p> <p>(iv) except when on approach to or at a selling point,</p> <p>(v) when in sight of another vehicle which is trading,</p> <p>(vi) when within 50m of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship),</p> <p>(vii) more often than once every 2 hours in the same length of street,</p> <p>(viii) louder than <math>L_{Amax}</math> 80db at 7.5m,</p> <p>(ix) as loudly in areas of low background noise or narrow streets as elsewhere.*</p>
Formerly Cond. 17; 7.1	The Council may forfeit this Consent if the Consent Holder shall without good cause fail to comply with any condition in the Consent.	<i>Removed from section</i>
Cond. 13; 8.1 (formerly	Any Consent issued will only be valid in relation to a single vehicle,	Any Consent issued will only be valid in relation to a single vehicle, container or

<i>Cond. 18; 7.1)</i>	container or stall.	stall. (a) Except where there is adequate proof provided to the Authority by the Consent Holder that there is need for other vehicles, containers or stalls. (i) In this case, proof of ownership (and insurance and MOT, as appropriate) by the Consent Holder of any subsequent vehicle, container or stall will be required.
<i>Formerly Cond. 19; 7.1</i>	The Holder of the Consent 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.	<i>Removed</i>
<i>Formerly Cond. 20; 7.1</i>	A Consent will not be granted to persons under the age of 17 years.	<i>Removed</i>
<i>Cond. 14; 8.1</i> <i>Formerly Cond. 21; 7.1</i>	A Consent will be granted for the period of 12 months from the date of the application. Fees will not be refundable.	A Consent will be granted for the period of 12 months minus one day, from the date of the decision (assuming the application procedure has been complied with). Should a Consent be surrendered or revoked, fees will be refunded proportionally, less an administration charge.
<i>Cond. 15; 8.1</i>	<i>New</i>	<del>The holder of the Consent shall not trade within 0/50/100 metres of a school or educational establishment whilst children are on site, except by invitation of the Headteacher or equivalent. Distances to be calculated from the main school gate/boundary.</del>
<i>Formerly Cond. 22; 7.1</i>	The fee which must accompany the application and can be found on the Council's website.	<i>Removed from section and amended</i>

**\* From: DEFRA – Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013:**

**Do not sound chimes:**

1. for longer than 12 seconds at a time;
2. more often than once every 2 minutes;
3. more than once when the vehicle is stationary at a selling point;
4. except on approach to or at a selling point;
5. when in sight of another vehicle which is trading;
6. when within 50 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised day of worship);
7. more often than once every 2 hours in the same length of street;
8. louder than  $L_{Amax}$  80dB at 7.5 metres;
9. as loudly in areas of low background noise or narrow streets as elsewhere.

REMEMBER: *It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance.*