

REPORT OF: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL & REGULATORY SERVICES

TO: Full Council

DATE: 10th July 2025

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Street Trading Policy and Gambling Policy

PURPOSE OF REPORT

To agree the updated Street Trading Policy and the Gambling Policy of the Council.

RECOMMENDATIONS

- 1 That the Council adopt the policies as set out at Appendices 1 and 2.

REASONS FOR RECOMMENDATION

- 1 In order that Pendle has up to date policies on Street Trading and Gambling.

BACKGROUND

- 1 Street Trading and Gambling are activities that are subject to a consent regime. Pendle Borough Council administers Street Trading whilst Gambling is a mixture of control by the Local Licensing Authority and the Gambling Commission.
- 2 The policies of the Council on both activities need to be updated periodically to ensure they are up to date with new guidance and are fit for purpose.
- 3 The Gambling Policy was considered by the Licensing Committee on 13th March 2025 and then by Executive on 29th May 2025. The Executive agreed to the policy being adopted by the Council without modifications.
- 4 The Street Trading Policy was considered by the Licensing Committee on 29th August 2024. It was sent out to consultation. There were four responses around limiting the number of ice cream vans raised.
- 5 These were discussed by both Licensing Committee and the Executive with the decision on number of licensed ice cream vans not being limited.

Street Trading Policy

- 6 The draft Street Trading Policy was considered by the Licensing Committee at its meeting on 29th August 2024. The Committee considered the draft policy and agreed that additional items should be added into it including requiring licence holders signing up to the update service for Disclosure and Barring Service (DBS) and tightening up on when licences would be issued for people convicted of sexual and indecency offences.
- 7 The policy will also prevent the sale of vehicles from a public highway.
- 8 Members agreed following a resolution by Executive that a Street Trading Consent in residential areas will only be granted for hours between 09:00hrs until 21:00hrs on any given day to prevent any nuisance to residential properties. Except in exceptional circumstances, if the applicant wishes to trade on an Industrial Estate, then the hours would be 06:00hrs to 23:00hrs. Any request for exceptional circumstances will be subject to consultation between the Pendle Borough Council Environmental Health (Nuisance) team, Lancashire Police Licensing section, and relevant ward councillors, with any decision on whether to agree to a variation of trading hours made by the relevant PBC Director.
- 9 The previous policy referred to requirements of duty holders for most things including DBS checks. The revised policy extends these requirements to duty holders and employees.
- 10 Existing licence holders raised issues of limiting the number of vendors for Ice Cream Vans. The issues raised revolve around saturation of the market and that not having limits will affect the ability to trade.
- 11 The law surrounding the circumstances of when limits can be put on is as follows:

Local Government (Miscellaneous Provisions) Act 1982. Schedule 4 (3) (6) sets out the circumstances in which a licence can be refused. These are:

(a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;
(b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade;
- 12 There are only 6 ice cream vendors in Pendle. With the requirement to refuse a licence only being able to be brought on grounds (a) & (b) above there is no evidence that the trading in Pendle would cause undue interference with persons using the streets or that there were enough street traders already trading.
- 13 The overarching principle on trading in the United Kingdom is to promote competition and have open trade. Restricting the number of ice cream vans would not do that and as there is no evidence that criteria (a) or (b) would be breached there is no lawful justification for restricting the number of vendors that can operate in Pendle. If for an unexpected reason significant numbers come forward the Council can use criteria (a) or (b) to refuse applications. There would however need to be a much higher number of traders coming forward in order to be able to justify that.

Gambling Policy

- 14 The Gambling Policy has not seen any new Guidance or legislation changes since our last policy was published in January 2022. The policy needs to be updated every three years.

- 15 No changes were proposed to the policy and no adverse comments were received to the consultation.

IMPLICATIONS

Policy: None arising directly from this report.

Financial: None arising directly from this report.

Legal: None arising directly from this report.

Risk Management: None arising directly from this report.

Health and Safety: None arising directly from this report.

Sustainability: None arising directly from this report.

Community Safety: None arising directly from this report.

Equality and Diversity: None arising directly from this report.

APPENDICES

Appendix 1 Draft Street Trading Policy 2025 -2029

Appendix 2 Draft Gambling Policy 2025 -2028

LIST OF BACKGROUND PAPERS