

**NORTH LINCOLNSHIRE COUNCIL**

**LICENSING COMMITTEE**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
DRAFT STREET TRADING AND COLLECTIONS POLICY**

**1. OBJECT AND BRIEF SUMMARY OF SUBJECT**

- 1.1 To present a Draft Street Trading and Collections policy for consideration.
- 1.2 To start consultation with interested parties regarding the policy, following which a further report will be presented to this committee.

**2. ISSUES FOR CONSIDERATION**

- 2.1 Street Trading is regulated in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This schedule was adopted by North Lincolnshire Council with effect from 16 January 1998.
- 2.2 In accordance with Schedule 4, streets can be designated as either consent streets, licence streets or prohibited streets. On 7 March 2012 the whole area was designated as "Consent Streets" other than a number of streets which were designated as "Licence Streets" with effect from 1 May 2012. The "Licence Streets" can be found in Appendix A of the draft Street Trading and Collections Policy appended to this report.
- 2.3 A revised draft licensing policy has been prepared covering street trading, street collections, direct debit collections, house to house collections and other miscellaneous activities. The revised policy includes the re-designation of streets.
- 2.4 The revised policy sets out how the council will deal with applications for street trading consents and licences. In addition, when dealing with street trading licences, the legislation allows for principal terms to be added to the licence. Again the policy determines these terms.

- 2.5 Subject to approval, consultation will be carried out on the draft policy. The consultation will be for a maximum of 13 weeks and will include a working group with interested parties.
- 2.6 A copy of the draft policy is attached as Appendix A to this report.
- 2.7 The following timetable has been prepared for the consultation and approval.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 – To approve the draft policy subject to consultation.
- 3.2 Option 2 – To amend the draft policy prior to consultation.
- 3.3 Option 3 – To reject the draft policy.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Option 1 – The draft policy takes into consideration the changes to the designation of streets in North Lincolnshire and sets a number of principal terms. The changes should allow for more control over trading under this legislation.
- 4.2 Option 2 – The draft policy could be amended before it is circulated for comments. The revised comments would then be included in the consultation.
- 4.3 Option 3 – To reject the draft policy would mean that the changes to the designation of streets would not be reflected and would not allow for the additional controls to be implemented.

### **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

- 5.1 There are no financial, staffing, property or IT implications attributed to this report.

### **6. OTHER IMPLICATION (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17- CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 Local Government (Miscellaneous Provisions) Act 1982.

### **7. OUTCOMES OF CONSULTATION**

- 7.1 Formal Consultation will commence following the approval of this report.

## **8. RECOMMENDATIONS**

- 8.1 That the Draft Licensing Policy is approved and approval is given to start the formal consultation process.

DIRECTOR OF NEIGHBOURHOOD & ENVIRONMENTAL SERVICES

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**Background Papers used in the preparation of this report: Street Trading and Collections Policy**



# **Licensing Policy**

## **Street Trading, Activities and Collections Policy**

(December 2011)

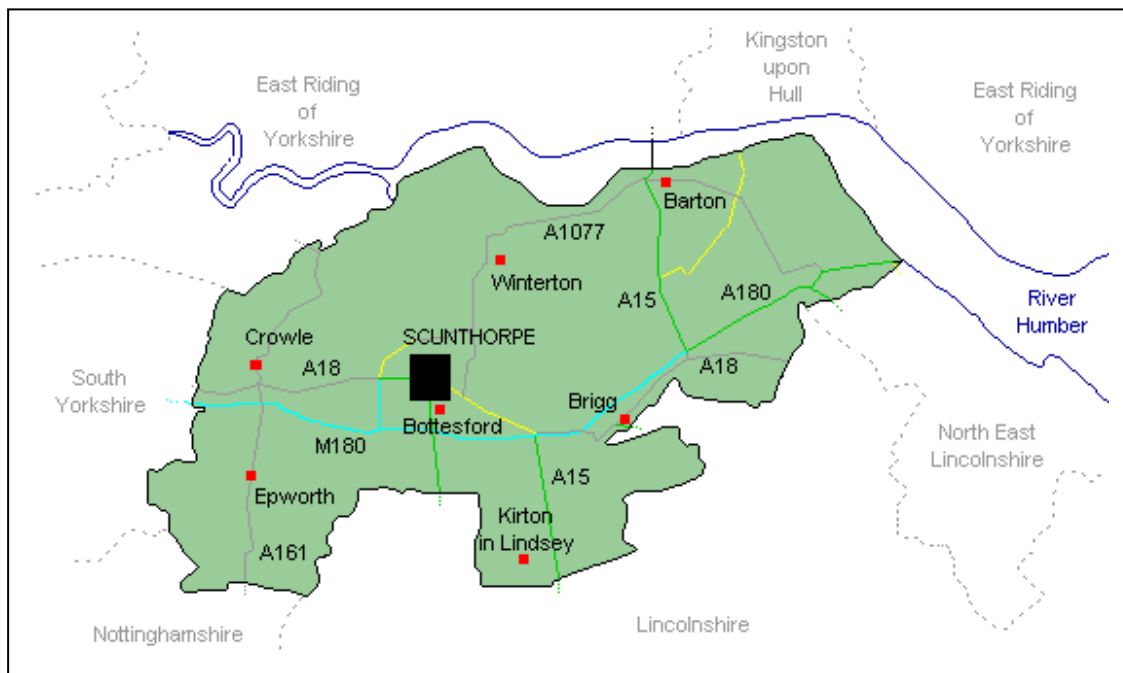
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## Introduction

### 1 The Area of North Lincolnshire

- (1) North Lincolnshire covers a mix of urban and rural areas. It includes the towns of Scunthorpe, Barton upon Humber and Brigg. There are also several market towns, villages and rural areas. Its total area is 328 square miles.
- (2) The 2001 Census gave the population of North Lincolnshire as 152,849. Of these, 69,321 live in Scunthorpe, Bottesford and Ashby. Another 9,485 live in Barton upon Humber, and 5,076 in Brigg. The other 68,967 people live in the rural areas.
- (3) Below is a map of the area.



### 2 General Information

- (1) The aim of this policy is to prevent obstruction of the streets of North Lincolnshire and ensure the safety of persons using them. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.

- (2) This policy will guide the licensing authority when it considers applications. Such applications cover:
- Street Trading
  - Charitable Collections
  - House to House Collections

### **3 Consultation**

- (1) In determining this licensing policy, the Council has consulted the following people and bodies:
- Chief Constable of Humberside Police
  - North Lincolnshire Tourism
  - Town & Parish Councils
  - Charitable Organisations
  - Consent Holders
  - Scunthorpe Charter Trustees
  - Federation of Small Businesses
  - Local Businesses (Scunthorpe & Brigg Town Centres)
  - Managers of the Parishes and Foundry
- (2) We have also consulted various other professional people within the council. These include:
- Communities and Environment
  - Waste Management
  - Legal Services
  - Town Centre Manager
  - Property Services
  - Highways
  - Leader of Conservative Group
  - Leader of Labour Group
  - Chair of Licensing Committee
  - Cabinet Member for Highways and Neighbourhoods
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

### **4 Review of the Policy**

- (1) This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time.

## 5 **Contacts**

- (1) The licensing function is part of Neighbourhood and Environmental Services. Our address is:

Licensing Division  
Church Square House  
PO Box 42  
Scunthorpe  
North Lincolnshire  
DN15 6XQ

- (2) To ask about any licensing issue, first contact the Licensing Division on (01724) 297550/297592 or visit our website: [www.northlincs.gov.uk](http://www.northlincs.gov.uk), or via email on [licensing@northlincs.gov.uk](mailto:licensing@northlincs.gov.uk)



# **Part 1 – Licensing Principles, Process and Delegation**

## **Introduction**

This part of the policy sets out the principles the council will adopt when dealing with applications for licences and authorisations. It explains the roles and duties carried out by the Licensing Committee, Cabinet Member and Officers.

The policy covers functions carried out by the Licensing Authority and carried out on behalf of the Highways Authority.

## **6 Licensing Principles**

- (1) The Licensing Authority aims to provide a clear, consistent licensing service to service users.
- (2) Applications will be determined where no objections are made in accordance with the delegation set out in **paragraph 8**.
- (3) When considering licence applications, we will consider all relevant information. We will determine each application on its own merits. In making decisions, we will consider the activities being proposed.
- (4) The Council will consider applications with reference to other adopted policies. Such policies include:
  - Local Development Framework
  - Enforcement Policies
  - Community Safety Strategy
- (5) Section 17 of the Crime and Disorder Act 1998 states that Councils “must do what is reasonably necessary to prevent crime and disorder in the area”. The Council wants North Lincolnshire to be safe for everyone, irrespective of age, gender or ethnic background.

## **7 Licensing Committee and Sub-Committee**

- (1) North Lincolnshire Council’s Licensing Committee is made up of 15 members of the Council. The Licensing (Miscellaneous) Sub-Committee is to be made up of five members of the Licensing Committee.
- (2) The public must see that the Licensing Committee and Sub-Committee act in a fair and reasonable manner at all times. Therefore, all members must attend in house training before they can sit on the Licensing Committee or Sub-Committee.
- (3) If a member of the Committee has an interest in premises or knows an applicant personally, they must declare an interest. They will then take no part in the decision. This reduces conflicts of interest and the perception of bias.

## **8 The Licensing Process & Delegation of Functions**

- (1) Applications for street trading licences or consents are delegated to either the Licensing (Miscellaneous) Sub-Committee or to the Director of Neighbourhood & Environmental Services.
- (2) Delegation will be as follows:

<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for a Street Trading Consent		If a representation is made	If no representation is made
Application for a Street Trading Licence in the Pedestrian Area		All cases	
Application for a Street Trading Licence or Consent for a Special Event		If a representation is made	If no representation is made
Application for a second Street Trading Licence or Consent in one location		All cases	
Application for a Street Trading Consent where there is an objection on the grounds of Road Safety or where Street Trading is prohibited by other legislation.		Appeal against a refusal by the Licensing Manager or Principal Licensing and Mediation Officer on the grounds of Road Safety	Delegation to Licensing Manager and Principal Licensing and Mediation Officer in their absence
Review of Policy & Conditions	Licensing Issues		

- (3) All matters of policy will be dealt with by the Licensing Committee, including updates and amendments to this Policy.
- (4) Where an application is referred to the Licensing (Miscellaneous) Sub-Committee, it will be determined on its own merits. Members of the Sub-Committee will consider all information attached to the application.

## **9 Decisions**

- (1) Following the determination of an application by the Licensing Sub-Committee, we will inform the applicant, and any objectors or people making the representation. We will then send confirmation in writing, as soon as possible after the decision, or in any case within seven days of the hearing. In the case of applications for a street trading licence, details of the applicant's right of appeal will be included in the notification.
- (2) The Licensing Authority will provide the reasons for all decisions to the applicant and persons/statutory authorities making an objection.

## **10 Working in Partnership**

- (1) The Council aim to work in partnership when dealing with Street Traders, Charities and other businesses operating on the streets of North Lincolnshire. Such partnerships will include Humberside Police, Safer Neighbourhoods, other council departments- such as Highways and the licence holders.

## **11 Integrating Strategies**

- (1) Where possible, we will integrate our policy with other policies and strategies. These need to be taken into consideration as follows:

- (2) The Local Development Framework – We will look to work with Planning to ensure as far as possible that all premises have the appropriate consent.
- (3) Tourism and Town Centre Management – Our aim is to have a thriving town centre. We will look at the impact our policy has on the economy and adjust it as appropriate.
- (4) Crime Reduction Partnerships – We will work very closely with our partners to reduce crime and disorder. We will actively look at ways in which we can reduce crime and disorder and the fear of crime.
- (5) Licensing Policy under the Licensing Act 2003 – We will consider this policy when considering applications for the sale or supply of alcohol, regulated entertainment and/or late night refreshment.
- (6) Other Partnerships – We will work in partnership with other bodies as required.

## **Part 2 – Street Trading**

### **Introduction**

This part of the Licensing Policy sets out how we will deal with applications for Street Trading Licences in North Lincolnshire.

It also highlights the council'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.

The Council aims to provide a consistent licensing service. At the same time, it aims to prevent street trading from being a nuisance, annoyance or undue interference or inconvenience to persons using the street.

## Street Trading

### 12 Statutory Requirements for Street Trading

- (1) Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- (2) The Council adopted this schedule with effect from 16 January 1998. All streets within North Lincolnshire are now designated as either “Licence Streets” or “Consent Streets”. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a either a Street Trading Licence or Consent. Appendix A identifies the streets designated as “Licence Streets”.
- (3) The Act defines street trading as “the selling or exposing or offering for sale of any article (including a living thing) in a street”. For the purpose of the Act, a street includes 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.
- (4) Further to the statutory definition, North Lincolnshire Council has determined that trading within a distance of 7 metres of the areas defined in **paragraph 12(3)** will also require a consent.
- (5) There are additional requirements where a trader is conducting their business from private land. Please refer to **paragraph 14(6)**.
- (6) There are exemptions from requiring a consent to trade on a street. Please refer to **paragraph 13**.

### 13 Exemptions from Street Trading

- (1) The Act makes certain activities exempt from the requirement to hold a consent. These are:
  - (a) Pedlars acting under the Pedlars Act 1871 - please refer to **paragraph 40** (subject to change)
  - (b) Anything done under the authority of a market or fair.
  - (c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
  - (d) News vendors selling only newspapers or periodicals, subject to certain restrictions
  - (e) Petrol filling stations
  - (f) Shops forecourts
  - (g) Roundsmen (as they have defined customers, defined routes)
  - (h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980

- (i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (j) Street collections

#### **14 Consultation/Notification on Applications for Licences and Consents**

- (1) It is our policy to carry out a consultation with relevant parties. They have 28 days to make representations in writing to the Licensing Division.
- (2) When we receive an application for a Street Trading Licence or Consent we will consult the following bodies
  - a) Humberside Police
  - b) North Lincolnshire Council – Highways
- (3) We may also notify the following bodies, if considered appropriate in the circumstances:
  - a) North Lincolnshire Council – Planning
  - b) North Lincolnshire Council – Property Services
  - c) North Lincolnshire Council – Tourism
  - d) North Lincolnshire Council – Waste Management
  - e) North Lincolnshire Council – Environmental Health
  - f) Manager of Parishes and Foundry (applications relevant to their area)
- (4) In addition to notifying the aforementioned bodies, we will also notify relevant the ward councillors and town/parish councils when new applications are received in their area.
- (5) A notice will be displayed in a conspicuous location advising of the application. The notice shall include the consultation period and the relevant reasons for representations.
- (6) Where the applicant wishes to trade on private land they will be required to provide written confirmation that they are permitted to do so upon making their application. The onus is on the applicant to research the proposed trading site, ie planning permission, legal right to trade, food and safety, waste provisions, highways restrictions, etc. An application will be processed with the assumption that all necessary checks have been carried out by the applicant.

#### **15 Grants**

- (1) Street Trading Licences and Consents are issued for a period of up to one year. Both are issued to the trader, therefore should a licence or consent holder lease the business to another, the existing licence or consent must be surrendered and a new one applied for by the new trader.

- (2) Traders may employ another person to assist him or her in their trading without the need for a further consent being required. This employee must not be under the age of 17 years.
- (3) Where an incomplete application has been received, then the application will be rejected.

## **16 Static Traders (Licences and Consents)**

- (1) Where an applicant wishes to trade from a static location, then the application shall be accompanied by a plan of the proposed trading site.
- (2) Street Traders should hold appropriate public liability insurance to a minimum value of £5,000,000. The applicant will be required to produce an original certificate of insurance for public liability before a street trading licence or consent will be granted.
- (3) The applicant will be required to pay the appropriate fee at the time the application is made.

## **17 Itinerant Traders (Consents Only)**

- (1) Persons wishing to trade as Itinerant street traders will need to hold the appropriate public liability and motor insurance. The applicant will be required to produce a copy of these certificates before a street trading consent is granted.
- (2) The applicant will be required to pay the appropriate fee at the time the application is made.
- (3) Itinerant traders will be permitted to remain stationary up to a maximum of 30 minutes. Where the trader wishes to trade in hot food then he may make an application to remain stationary for a period up to a maximum of 120 minutes, subject to consultation. Itinerant traders wishing to trade beyond 120 minutes will be referred to the Licensing Sub-Committee for determination. In such cases, a maximum of 5 sites will be permitted per trader.

## **18 Length of Licence or Consent**

- (1) Street Trading Licences and Consent may be applied for up to a maximum of 12 months. Street Trading Licences normally remain valid for a period of 12 months although a shorter period may be specified on the licence, while a consent may be issued for any period up to the maximum. Applicants will be permitted to apply for licences and consents for the period specified in Appendix B of this policy.



## **19 Renewals**

- (1) Those traders who pay on a quarterly basis that have a history of late or non-payment of quarterly fees will be issued a consent equivalent to the payments received.
- (1) Applicants wishing to renew a Street Trading Licence should apply to renew their licence before it expires. Where the renewal application is submitted before the expiry, then the trader will be permitted to continue to trade while the application is being determined.
- (2) Applicants wishing to renew a Street Trading Consent should apply to renew their consent at least one month in advance of the expiry. At the time of renewal we may consult further to determine if the street trader is causing an obstruction, nuisance or annoyance.

## **20 Representations (Street Trading Licences)**

- (1) The grounds on which a Street Trading Licence may be refused are specified in paragraph 3(6) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Representations will therefore only be deemed relevant where they relate to the following:
  - (a) that there is not enough space in the street for the applicant to engage in the trading without causing undue interference or inconvenience to persons using the street; or
  - (b) there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade; or
  - (c) the applicant desires to trade on fewer days than the minimum number specified under the resolution; or
  - (d) the applicant is unsuitable to hold a licence as they have been convicted of an offence or for any other reason; or
  - (e) the applicant has been granted a street trading licence and has persistently refused or neglected to pay the fee or charges required under paragraph 9(6) of schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; or
  - (f) the applicant has been granted a street trading consent and has persistently refused or neglected to pay the fees; or
  - (g) the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.
- (2) Due to the location of the "Licence Streets", being predominately in the pedestrianised areas, all applications will be referred to the Licensing (Miscellaneous) Sub-Committee for determination.

## **21 Representations (Street Trading Consents)**

- (1) Conditions may be attached to a Street Trading Consent in accordance with paragraph 7(5) of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Representations will therefore only be deemed relevant where they relate to the following:
  - (a) the obstruction of the street or persons using it; or
  - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (2) Where a representation has been made, the application will be presented before an assessment board of three Licensing Officers for consideration. The applicant will be advised of the representation and any decision to present the application to the Licensing (Miscellaneous) Sub-Committee.
- (3) In the event that the assessment board finds that the representations are relevant, the application will be put to the Licensing (Miscellaneous) Sub-Committee for determination.

## **22 More Than One Trader in a Location**

- (1) We will normally only allow one trader to hold a licence or consent in a specific location, unless the second applicant wishes to trade in a different commodity.
- (2) The exception to this rule is where a special event is arranged and there will be more than one trader covered by the relevant consent.

## **23 Special Events**

- (1) At special events, we will issue one collective licence or consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. This applies to all traders except those selling food.
- (2) We will issue a single licence or consent, which will cover a number of traders. The number of traders covered is as follows:

Category 1 – Up to 10 traders  
Category 2 – Between 11 and 19 traders  
Category 3 – 20 or more traders
- (3) Traders wishing to sell hot or cold food for immediate consumption are required to apply for an individual licence or consent, however this should be applied for through the event organiser. The reason that traders for food are not included is due to the potential risk to public safety. Each notice of the application will be forwarded to the Food

and Safety Section within Communities and Environment for consideration.

## **24 Special Events (Charitable)**

- (1) Where an event is organised by a registered charity, the fee for the charitable traders shall be waived. Any traders selling food for immediate consumption will be required to pay the appropriate licence or consent fee and shall be licensed in accordance with **paragraph 23(3)**.

## **25 Trading on Pedestrian Areas of Scunthorpe and Brigg (Licence Streets)**

- (1) Trading in these areas will be restricted in accordance with this section of the policy and all applications to trade in the pedestrian areas and "Licence Streets" will be referred to the Licensing (Miscellaneous) Sub-Committee for consideration.
- (2) Without prejudice to **paragraph 25(1)**, we will work in partnership with the Town Centre Management, the Foundry and Parishes when considering applications within the pedestrianised areas shown in Appendix C.
- (3) The size and design of any structure used within this area shall be approved by the Licensing Authority. The approved design can be found at Appendix D.
- (4) There shall be no restriction on the days on which trading may take place.
- (5) The consent holder or their agent shall ensure that the vicinity of the stall is kept clean and tidy.
- (6) Paragraph 4 of schedule 4 to the Local Government (Miscellaneous Provisions Act 1982 sets out the "principal terms" to be included in Street Trading Licences. These include:
  - (a) the street in which, days on which and times between which, the licence-holder is permitted to trade; and
  - (b) the description of the articles in which he is permitted to trade.
- (7) In addition, if we determine that the applicant is to confine trading to a particular place in the street, the licence must specify the place where the street trading is confined too.
- (8) As well as the principal terms, we may specify subsidiary terms. In order to ensure that a street trader does not cause an undue interference or inconvenience, the subsidiary terms attached to Street Trading Licences will be as follows:

- A. Goods other than Hot Food for immediate consumption. No generators permitted.
  - B. Goods other than Hot Food for immediate consumption. No generators permitted.
  - C. Goods other than Hot Food for immediate consumption. No generators permitted.
  - D. Goods other than Hot Food for immediate consumption. Generators permitted if silent and fume free.
  - E. Goods other than Hot Food for immediate consumption. Generators permitted if silent and fume free.
  - F. Goods other than Hot Food for immediate consumption. No generators permitted.
  - G. Goods other than Hot Food for immediate consumption. Generators permitted if silent and fume free.
  - H. Hot Food for immediate consumption permitted. Odours to be controlled.
  - I. Trading for special events which may include hot food for immediate consumption.
  - J. Goods other than Hot Food for immediate consumption. No generators permitted.
  - K. Goods other than Hot Food for immediate consumption. No generators permitted.
  - L. Goods other than Hot Food for immediate consumption. No generators permitted.
- (9) The agreed locations for traders are identified as A-L in Appendix E.
- (10) Trading of hot food for immediate consumption may be considered in the aforementioned locations as a one off application when part of a special event.

## **26 Decisions**

- (1) Applications will be determined in accordance with the scheme of delegation detailed in paragraph 8 of this policy and will take matters included in **paragraphs 20 and 21** into consideration.
- (2) Where an application is referred to the Licensing (Miscellaneous) Sub-Committee, then the applicant will be invited to attend the hearing. All parties will be given details as to why the application has been referred. The applicant will have an opportunity to speak at the hearing. Each application will be taken on its own merits.

## **27 Markets or Fairs**

- (1) Authorised markets and fairs are exempt from requiring a licence or consent.

## **28 Conditions**

- (1) We have adopted conditions relating to Street Trading. These conditions are attached to this policy as Appendix E for Street Trading Licences and Appendix F for Consents.

## **29 Planning Permission and Land Owners Permission**

- (1) Where a Consent holder needs planning permission, the onus is on the applicant to obtain any necessary planning permission and permission to trade from the landowner. We will inform the Council's Development Control Section of any application that we receive to trade on private land.

## **30 Licensing Act 2003**

- (1) In addition to the requirement of having a street trading consent, applicants who sell hot food or drink between 11.00 pm and 5.00 am will need a premises licence under the Licensing Act 2003, or a Temporary Events Notice
- (2) Any street trading where there is a retail sale of alcohol will also require a premises licence or a Temporary Events Notice.

## **Part 4 – Charitable Collections**

### **Introduction**

This part of the Policy sets out how we will deal with charitable organisations that wish to collect monies and/or goods for charity.

### **31 Legislation**

- (1) Street Collections are covered by regulations made under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by section 251, 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 permit from the Council.
- (2) House to House Collections require to be licensed by the Council under the House to House Collections Act 1939. This 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 we receive complaints about companies collecting for profit, we will notify the Council's Trading Standards Division.

### **31 Authorisation of Collections**

- (1) Permits will be issued by officers in the Licensing Division. We will refer to this policy when making our decision.

### **33 Consultation on Applications**

- (1) We will include all street collections and house to house collections in an electronic calendar. This information is available to other responsible bodies in the council, including Highways and Town Centre Management. A paper diary is also retained within the Licensing Division.
- (2) We will notify Highways where the application for a street collection includes placing a structure or vehicle on the highway.

### **34 Number of Permitted Collections**

- (1) We will have a co-ordinated approach to how many street collections and other such activities we will allow in any one area. The Licensing Authority will only normally permit two collections in any one area per week.
- (2) Of these two collections, only one will be permitted on either a Friday or a Saturday and only one will be a direct debit collection.

### **35 Advance Bookings for Street Collections and Direct Debit Collections**

- (1) Where we receive an application for multiple collections, we will only permit collections one day per month. Such applications tend to be made for block collections for an area, which would exclude other collectors being in the area.
- (2) Collectors for direct debit collections will be restricted to 3 persons per activity. Permission shall be sought and approved by the Licensing Division via application in writing.

## **36 Touting**

- (1) North Lincolnshire Councils Byelaws for Good Rule and Government, are made under Section 235 of the Local Government Act 1972, for the prevention and suppression of nuisances, including touting.
- (2) Byelaw 17 prevents persons permitted to collect on the street from touting for business so as to cause annoyance or obstruction to members of the public. Where an annoyance is caused, traders or collectors will be asked to cease touting and/or asked to stop the collection and leave the area.



## **Part 3 – Other Activities**

### **Introduction**

There are a number of other activities that take place in the streets of North Lincolnshire, predominately in the pedestrian areas of Scunthorpe Town Centre, that cannot be controlled by licence.

### **37 Petitions**

- (1) People or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups are permitted to do so without the need for any consent or authorisation. Every person enjoys the right to freedom of speech and we will only take action if we receive complaints about disorder or threat to public safety. In such cases we will notify the police.

### **38 Awareness**

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

### **39 Market Research**

- (1) This type of activity includes mail order companies, insurance companies and national questionnaires. These companies are normally run for profit.

### **40 Pedlars**

- (1) 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.

***Note: The Pedlars Act 1871 is under review and is likely to be repealed.***

### **41 Markets**

- (1) Please refer to **paragraph 28** of this Policy.

### **42 Busking**

- (1) If a busker or a group of buskers act in such a way as to cause a nuisance to passers by, then we will ask them to cease and leave the area. Such action would be taken in accordance with the Byelaw 13 of the Good Rule and Government Byelaws made under section 235 of the Local Government Act 1972.
- (2) We may call for assistance from Humberside Police and the CCTV control centre when dealing with such issues.

## **Part 4 – Enforcement**

### Introduction

This section of the Licensing Policy details the council's commitment to enforcing the provisions contained within the appropriate legislation.

It also highlights the council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

### **43    Enforcement**

- (1)    The Licensing Division aims to work closely with other enforcement authorities when dealing with issues on the street.
- (2)    Where licensable activities are conducted without the benefit of a licence, will look to gather evidence and take enforcement action as appropriate.
- (3)    If we feel that there is an issue of public order or threat to public safety in any particular instance, we will call for assistance from Humberside Police.
- (4)    We may call for assistance from the CCTV control centre when dealing with such issues and for gathering evidence.
- (5)    We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area in accordance with the Byelaws under section 235 of the Local Government Act 1972.
- (6)    When enforcing the activities included in this policy, we will have regard to the Licensing Enforcement Policy and the Neighbourhood and Environmental Services Enforcement Policy.

## **Glossary of Terms**

- “Council” means North Lincolnshire Council
- ”Sub-Committee” - means the Licensing (Miscellaneous) Sub- Committee
- “Statutory Provisions” - means any primary or secondary legislation enacted by Parliament

### Schedule of “Licence Streets”

All Streets within North Lincolnshire have been adopted as “Consent Streets” with the exception of the streets specified in the table at Schedule 1, which have been designated as “Licence Streets”.

<b>Schedule 1 – Licence Streets within North Lincolnshire</b>	
<b>Street Name</b>	<b>Comment</b>
Belgrave Square, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Bridge Street, Brigg	Form the junction of Ancholme Way to the Market Place
Bus Station, Scunthorpe	The entire area
Carlton Street, Scunthorpe	North from the junction of Lindum Street
Church Square, Scunthorpe	The entire area
Cole Street, Scunthorpe	From the junction of High Street to the junction of Mary Street
Cross Street, Scunthorpe	The entire length
Doncaster Road, Scunthorpe	From the junction of Oswald Road and Frodingham Road to the junction of Gervase Street
Fenton Street/Manly Street, Scunthorpe	From the junction of Cole Street, through Manley Street to the junction of Lindum Street
Frodingham Road, Scunthorpe	From the junction of Doncaster Road and the High Street to the junction of Parkinson Avenue
Gilliatt Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
High Street, Scunthorpe	From the junction of Brigg Road to the junction of Oswald Road and Frodingham Road
Home Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Jubilee Way/ John Street, Scunthorpe	The entire length
Market Hill, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Market Place, Brigg	From bridge Street to the junction of Elwes Street
Market Square, Scunthorpe	The entire area
Oswald Road, Scunthorpe	From the junction of Doncaster Road and High Street to the junction of Mary Street
Ravendale Street North, Scunthorpe	From the junction of High Street to the junction of Robert Street
Trafford Street, Scunthorpe	From the junction of High Street to the junction of Cross Street
Wells Street, Scunthorpe	From the junction of High Street to the junction of Chapel Street
Wrawby Street, Brigg	From Market Place to the junction of Cross Street

### Specified Periods of Street Trading Licences and Consents

Type of Trader/Goods	Category		
	1	2	3
Hot Food Street Trading Consent	Annual Quarter Daily	Annual Quarter Daily	Annual Quarter Daily
Other Food Street Trading Consent	Annual Quarter Daily	Annual Quarter Daily	Annual Quarter Daily
Other Street Trading Consent	Annual Daily	Annual Daily	Annual Daily
Special Event Street Trading Consent	Per Event	Per Event	Per Event
<b>Category</b>			
<b>Category One</b> – any stall, kiosk, tow able trailer or other trading premises less than 2 Metres long that is removed at the end of each trading day.			
<b>Category Two</b> - any stall, kiosk, van or other trading premises or vehicle more than 2 Metres long, removed at the end of each trading day (including ice cream vans, converted buses etc)			
<b>Category Three</b> - semi-static premises which are not removed at the end of each trading day.			
(One-day events ORGANISED by a registered charity are exempt from the requirement of a fee in respect of Street Trading Consent – See Policy Para 18)			

**High Street, Scunthorpe**

Includes the High Street west from the Foundry/Cole Street up to Frances Street and Wells Street. There are two approved trading sites indicated on the map.



Title: High Street

Drawn By:	N Bramhill	Scale:	1: 1,000	Date:	10 October 2011
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**The Foundry**

Includes the High Street known as the Foundry from Cole Street/Wells Street down to Library Square. There is one approved trading sites indicated on the map.



Title: The Foundry

Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011
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**The Parishes**

Includes the Jubilee Way and Cole Street from the Bollards through to the Bus Station. There are three approved trading sites indicated on the map.

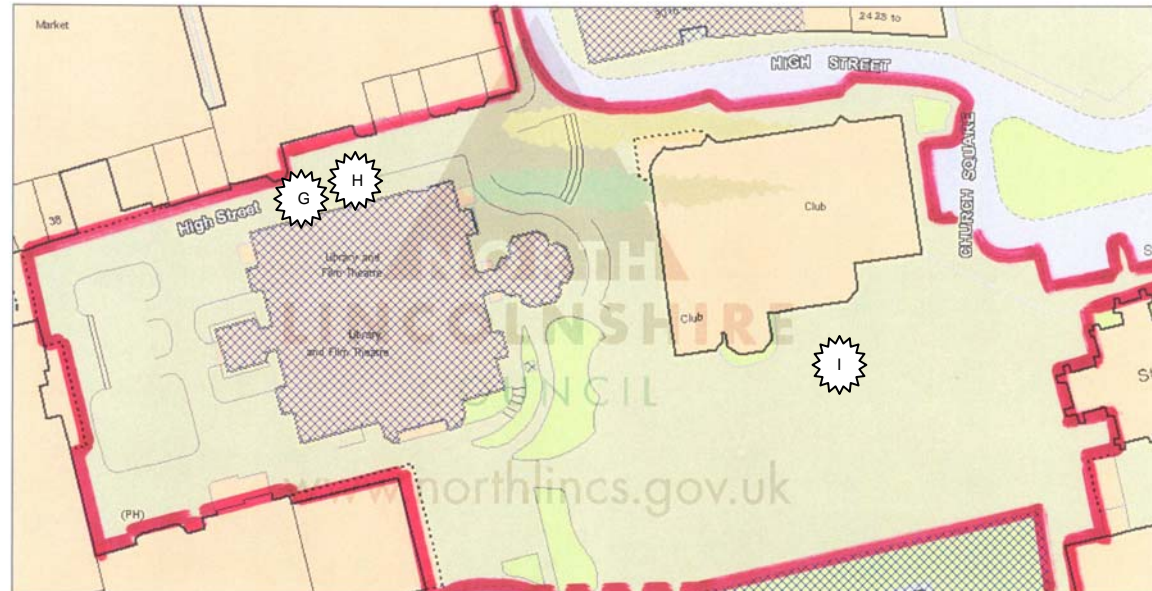


Title:	Cole Street & Jubilee Way				
Drawn By:	N Bramhill	Scale:	1: 1,000	Date:	10 October 2011

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**Church Square**

Includes the Church Square including the site of the former Club 2000 and Library Square. There are three approved trading sites indicated on the map.

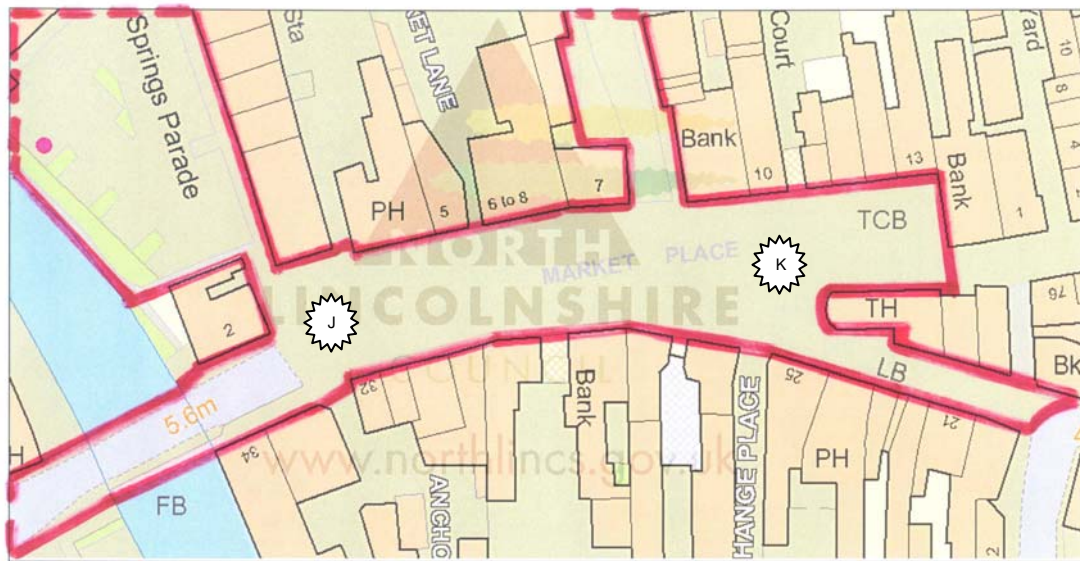



Title:	Church Square				
Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011

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**Market Place, Brigg**

Includes the Market Place up to the bank, the Bridge and Spring Parade. There are two approved trading sites indicated on the map.




Title:		Market Place, Brigg			
Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011
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**Wrawby Street, Brigg**

Includes Wrawby Street from the Market Place through to Cross Street. There is one approved trading sites indicated on the map.



Title:		Wrawby Street			
Drawn By:	N Bramhill	Scale:	1: 700	Date:	10 October 2011
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Approved Deign of Street Trading Stall

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**STREET TRADING LICENCE CONDITIONS**

Conditions applicable to Street Trading Licence:

1. Definitions

- (i) 'street' includes –
  - [a] any road, footway, beach or other area to which the public have access without payment ; and
  - [b] a service area as defined in section 329 of the Highways Act 1980; and also includes
  - [c] any part of a street.
- (ii) also includes any forecourt, road, footway or other area adjacent to a street [as defined above] for a distance of 7 metres.
- (iii) 'street trading' means –  
the selling or exposing for sale of any article (including a living thing ) in a street;

2. No trading to which the attached consent relates shall take place except:

- (i) Between the dates of:

The operational hours shall be:

Between the hours of ..... am and ..... on Mondays

Between the hours of ..... am and ..... on Tuesdays

Between the hours of ..... am and ..... on Wednesdays

Between the hours of ..... am and ..... on Thursdays

Between the hours of ..... am and ..... on Fridays

Between the hours of ..... am and ..... on Saturdays

Between the hours of ..... am and ..... on Sundays

- (ii) Special conditions as respects this paragraph:

3. The street trading licence relates to the following area/site only:

4. The street trading licence relates to the following vehicle/premises only:

5. The street trading licence relates to the following goods only:

6. Where appropriate the holder of any street trading licence and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.

7. Where appropriate the holder of the street trading licence and the stall and/or vehicle must comply with all relevant food hygiene legislation.



8. The street trading licence holder shall only trade from a stall or vehicle approved by the Council in writing.
9. WC facilities must be made available for staff and members of the public, if seating is made available for consumption of food on site.
9. The street trading licence holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
10. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
11. The licence holder shall ensure that the area in the immediate vicinity of the stall shall be kept free of litter and refuse at all times whilst resident.
12. A copy of the licence, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
13. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
14. Nothing in any licence shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required.
15. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, without approval from the Highways Authority.
16. All L.P.G. installations shall be installed and operated to comply with appropriate legislation.
17. All persons selling food shall in addition comply with the appropriate Food Safety Legislation.
18. The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.
19. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises.
20. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**STREET TRADING CONSENT CONDITIONS**

Conditions applicable to Street Trading Consent:

10. Definitions

- (i) 'street' includes –
  - [a] any road, footway, beach or other area to which the public have access without payment ; and
  - [b] a service area as defined in section 329 of the Highways Act 1980; and also includes
  - [c] any part of a street.
- (ii) also includes any forecourt, road, footway or other area adjacent to a street [as defined above] for a distance of 7 metres.
- (iii) 'street trading' means –  
the selling or exposing for sale of any article (including a living thing ) in a street;

11. No trading to which the attached consent relates shall take place except:

- (i) Between the dates of:

The operational hours shall be:

Between the hours of ..... am and ..... on Mondays  
Between the hours of ..... am and ..... on Tuesdays  
Between the hours of ..... am and ..... on Wednesdays  
Between the hours of ..... am and ..... on Thursdays  
Between the hours of ..... am and ..... on Fridays  
Between the hours of ..... am and ..... on Saturdays  
Between the hours of ..... am and ..... on Sundays

- (iii) Special conditions as respects this paragraph:

12. The street trading consent relates to the following area/site only:

13. The street trading consent relates to the following vehicle/premises only:

14. Where appropriate the holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.

15. Itinerant Street Traders, i.e., those who move from place to place shall not remain in any one street or location for more than [30/60/120\*] minutes/hours.  
\*Delete as applicable.

16. Where appropriate the holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.

17. The street trading consent holder shall only trade from a stall or vehicle approved by the Council in writing.
18. WC facilities must be made available for staff and members of the public, if seating is made available for consumption of food on site.
9. The street trading consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
16. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
17. The consent holder shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) be kept free of litter and refuse at all times whilst resident.
18. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
19. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
20. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required.
21. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, without approval from the Highways Authority.
16. All L.P.G. installations shall be installed and operated to comply with appropriate legislation.
17. All persons selling food shall in addition comply with the appropriate Food Safety Legislation.
21. The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.
22. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises.

23. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
21. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent



## **No English?**

**For information please call:**

08000 193530 (Arabic) للحصول على المزيد من المعلومات اتصل بـ:

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08000 193537 بۆ زانیاری بە کوردی سۆزانی تەلەفۆن بۆ ژمارە (Kurdish Sorani)

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"Warbixinta oo af Soomaali ah wac 08000 193540" (Somali)

08000 193541 اردو میں انفارمیشن کے لیے اس ٹیلیفون نمبر پر رابطہ فرمائیں۔ (Urdu)

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