



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Licensing Committee

Agenda

Meeting to be held at The Ceres Suite,
Worksop Town Hall, S80 2AH
On Wednesday, 17th April, 2024
At 6.30 pm

Please turn mobile telephones to silent during meetings. Prior to the meeting Officers can be contacted on 01909 533252 In accordance with the Openness of Local Government Bodies Regulations 2014, audio/visual recording and photography during Council meetings is permitted in accordance with the Council's protocol 'Filming of Public Meetings'.

Licensing Committee

Membership: 2023-24

Councillors: J Potts, C Tindle, M Carroll, A Coultate, T P Eaton, D Henderson, D J Merryweather, F Merryweather, L A Sanders, D A Naylor, J M Sanger MBE and S E Shaw.

Substitute Members: None

Quorum: 3 Members

Lead Officer for this Meeting

S Bacon

Administrator for this Meeting

R Colebourne

Licensing Committee

Wednesday, 17th April, 2024

Agenda

1. Apologies For Absence
2. Declarations Of Interest By Members And Officers
 - a. Members
 - b. Officers
3. Minutes Of The Meeting Held On 13th March 2024 (Pages 5 - 8)
4. Outstanding Minutes List (Pages 9 - 10)

Section A – Items For Discussion In Public

Key Decisions

Other Decisions

5. Report(s) Of Council Solicitor
 - a. Draft Street Trading and Collection Policy - Public Consultation Results (Pages 11 - 78)
 - b. Amendments to Business and Planning Act 2020 (Pages 79 - 110)
 - c. Application to Display Signage on a Licensed Vehicle (Pages 111 - 116)
 - d. Application to Display Signage on a Licensed Vehicle (Pages 117 - 122)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

Section B – Items For Discussion In Private

Key Decisions

Other Decisions

6. Report(s) Of Council Solicitor
 - a. New Application for Combined Hackney Carriage / Private Hire Driver Licence (Pages 123 - 158)
 - b. New Application for Combined Hackney Carriage / Private Hire Driver Licence (Pages 159 - 202)
 - c. Review of Combined Hackney Carriage/Private Hire Drivers Licence (Pages 203 - 214)
 - d. Review of Combined Hackney Carriage/Private Hire Drivers Licence (Pages 215 - 236)
 - e. Review of Combined Hackney Carriage/Private Hire Drivers Licence (Pages 237 - 254)
7. Any Other Business Which The Chair Considers To Be Urgent

Notes:

1. The papers enclosed with this Agenda are available in large print if required.
2. Copies can be requested by contacting us on 01909 533252 or by e-mail ruth.colebourne@bassetlaw.gov.uk

Licensing Committee

Minutes of the Meeting held on Wednesday, 13th March, 2024 at The Council Chamber, Retford Town Hall, DN22 6DB

Present: Councillor J Potts (Chair)

Councillors:

C Tindle	M Carroll
A Coultate	T P Eaton
D Henderson	D J Merryweather
F Merryweather	L A Sanders
D A Naylor	S E Shaw

Officers: S Bacon, R Colebourne and J Flynn.

(The meeting opened at 6.31 pm.)

41 Apologies For Absence

Apologies for absence were received from Councillor Sanger.

42 Declarations Of Interest By Members And Officers

42a Members

There were no Declarations of Interest by Members.

43 Officers

There were no Declarations of Interest by Officers.

44 Minutes Of The Meeting Held On 17th January 2024 and 12th February 2024

Resolved that:

The minutes of the meeting held on 17th January 2024 and 12th February 2024 be approved.

45 Outstanding Minutes List

Resolved that:

The outstanding minutes list be received.

46 Report(s) Of Council Solicitor

There were no items for discussion.

47 Report(s) Of Council Solicitor

47a New Application for Combined Hackney Carriage / Private Hire Driver Licence

(The Senior Licensing Officer who had prepared the report, left the meeting whilst Members were deliberating)

LICENSING COMMITTEE

Members were presented with a report for consideration and determination of an application for a 1 year Combined Hackney Carriage/Private Hire Drivers Licence.

The Applicant attended the meeting to speak in support of the application. Members were afforded the opportunity to question the Applicant and considered the response given.

The Licensing Committee must satisfy itself that the applicant is a fit and proper person to hold a licence. In respect of applications for a Driver's Licence the Council shall not grant a driver's licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

The term 'fit and proper person' refers only to whether the applicant is fit and proper to drive a hackney carriage or private hire vehicle, or to act as an operator of a private hire vehicle. There is no definition of the term 'fit and proper'; this is for the Licensing Committee to determine. However, regard should be had to the applicant's driving standards and experience (Applicant's must have held a full driving licence for no less than one year prior to the application), his character (2 character references must be provided) and any relevant previous convictions. Regard will also be had to whether or not the applicant is physically and mentally fit to drive a hackney carriage or private hire vehicle (Applicant's must undergo and pass a medical examination, which the Applicant has done).

Resolved that:

The Applicant is a 'fit and proper person' to hold a 1 year combined Hackney Carriage/Private Hire Driver's Licence and approved the application for grant.

47b Review of Combined Hackney Carriage/Private Hire Drivers Licence

(The Senior Licensing Officer who had prepared the report left the meeting whilst Members were deliberating).

Members were presented with a report to review a Combined Hackney Carriage/Private Hire Drivers Licence.

The Licence Holder attended the meeting and spoke to explain their actions/conduct. Members were afforded the opportunity to put questions to the Licence Holder and considered the responses given.

Resolved that:

The committee considered the conduct of the Licence Holder and directed that the Council's Solicitor shall issue them a written warning as to their future conduct and the Licence Holder will be instructed to take a Driver remedial course at their own cost.

47c Review of Combined Hackney Carriage/Private Hire Drivers Licence

(The Senior Licensing Officer who had prepared the report left the meeting whilst Members were deliberating).

Members were presented with a report to review a Combined Hackney Carriage/Private Hire Drivers Licence.

The Licence Holder attended the meeting and spoke to explain their actions/conduct. Members were afforded the opportunity to put questions to the Licence Holder and considered the

LICENSING COMMITTEE

responses given.

Resolved that:

The committee considered the conduct of the Licence Holder and directed that the Council's Solicitor suspend the Licence, on notice. The suspension will remain in place until the Licence Holder has completed the Blue Lamp Trust Virtual Disability Awareness Training Course and retakes the Trust2Ride safeguarding course which shall be undertaken at the Drivers cost.

48 Any Other Business Which The Chair Considers To Be Urgent

(Meeting closed at 7.53 pm.)

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Licensing Committee
Outstanding Minutes List

17th April 2024

Members please note that the updated positions are shown in bold type following each item:

PS (LR) = Principal Solicitor (Licensing & Regulatory)

Min No	Date	Subject	Decision	Officer Responsible
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Report to be presented to a future meeting

54	20.04.2022	Any Other Business which the Chair considers to be Urgent	The Principal Solicitor (Licensing & Regulatory) be delegated authority, to investigate the extent of and to conduct a 5 to 6 week period of consultation on, wheelchair accessible Hackney Carriage licenced vehicles operating within Bassetlaw District. The findings and outcome will be reported back to a future meeting of the Licensing Committee.	PS(LR)
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Report to be presented to a future meeting

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Bassetlaw District Council

Licensing Committee

17 April 2024

Report of Council Solicitor

**Draft Street Trading and Collection Policy
Public Consultation Results**

Cabinet Member: Corporate & Financial
Services
Contact: Stella Bacon

1. Public Interest Test

1.1 The author of this report Stella Bacon has determined that the report is not confidential.

2. Purpose of the Report

2.1 To report to Members the outcome of the public consultation on the Draft Street Trading Policy and review if any changes need to be made before the Policy is referred to Full Council

3. Background and Discussion

3.1 Further to Committee approving the Draft Street Trading Policy at a meeting on 17 January 2024 a period of public consultation was opened from 6 February 2024 until 19 March 2024.

3.2 A copy of the consultation letter can be found at **Appendix A**. This letter was sent to 67 recipients whose contact details were held by the Licensing Department who were deemed to have an interest in the consultation this included:

- Any person who had have enquired about roadside catering and left relevant contact details
- VIA East Midlands
- A1 +
- BDC Environmental Health
- BDC Growth and Investment Team
- BDC Markets
- BDC Planning
- Highways England
- Department for Transport
- Ice Cream Alliance
- Parish/Town Councils
- Manfredis Ices
- Neil's Super Whippy

- Extreme Hospitality
 - National Trust
 - Welbeck Estate
 - Pubwatch – Worksop & Retford
 - Bassetlaw Business Forum
 - Bassetlaw BID
 - National Caterers Association
- 3.3 The consultation was also promoted across Bassetlaw District Councils Social Media Channels.
- 3.4 There were 7 responses to the consultation a summary of these can be found at **Appendix B**. Most relate to the mobile trading element of the policy.
- 3.5 One consultee noted the policy did not contain provisions as to Buskers selling their music and suggested conditions. This policy does not cover the activity of Busking but if a performer wanted to sell their CD's they would have to comply with the Street Trading requirements or obtain a Pedlar Licence from the relevant Policy
- 3.6 The comments made in respect of the statement of account for Street Collections Collections is not a matter which the Committee has discretion as this is prescribed by the Street Collection Regulations in pursuance of Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916, as amended by Section 251 and Schedule 29 to the Local Government Act 1972. The Council would need to seek to amend the regulations adopted across the Nottinghamshire area.
- 3.7 One of the representation discussed outdoor seating this is not considered street trading. The seating is covered by a Café Pavement Licence or agreement with the landowner for not a highway.
- 3.8 The following comments have been made about the areas where Street Trading is proposed to be prohibited
- 3.8.1 "Exchange Street (from the Junction with Exchange Street to the end of the pedestrianised zone)" the consultee believes this to be incorrect. Presumably this should be "Exchange Street (for the whole of its length – excluding the pedestrianised zone)"
- 3.8.2 The reference to "Churchgate (for the whole of its length)" is presumably incorrect. Chapelgate and Churchgate only meet at the narrowest point, at the north-eastern corner of Market Place. The final 20 to 30 metres of each form the pedestrianised area. As the draft policy states "Chapelgate (for the whole of its length – excluding the pedestrianised zone)", it should also presumably state: "Churchgate (for the whole of its length – excluding the pedestrianised zone)"
- 3.9 A number of environmental issued have been raised regarding the running of engines for long periods.
- 3.10 A copy of the current proposed draft policy is attached to this report at **Appendix C**.

4. Implications

a) For service users

An Equality Impact Screening has been completed and there are no negative impacts to report.

b) Strategic & Policy

As this is a substantial policy it will be required to be approved at a meeting of the Full Council

c) Financial - Ref: 25-711

At this stage there are no financial implications from this report. If the policy is approved for implementation a new scheme of fees and charges will have to be approved by Licensing Committee who have delegated authority to set licensing fees and charges.

Fees will be set and reviewed annually on a full cost recovery basis.

The level of fees will takes into account the administrative costs associated with the consideration of applications, the issue and administration of the Consent, and the costs associated with compliance checks carried out by the Licensing Authority to ensure that Traders operate in accordance with the conditions of their Consent.

d) Legal – Ref: 006/04/2024

If the draft policy proceeds to implantation a resolution of Full Council will be required to apply Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 to the whole of the district and to rescind the previous resolution and to formally approve the Policy for implementation.

The matter would then be brought back to Licensing Committee to set the relevant Fees and Charges (Licensing Committee have delegated powers to set fees and charges for Licensable activities)

e) Human Resources

None

f) Community Safety, Equalities, Environmental

The purpose of regulating street trading and collection activities is to reduce/mitigate risk and protect the public and to specifically, protect the public from street trading activities being unsafe or being conducted in association with crime.

The application of the provisions of this draft trading policy would significantly promote only lawful trading and collections, from being authorised to operate in the District.

The environmental impact of street trading will be assessed, managed and mitigated through the application consultation procedure, involving all relevant and interested regulatory agencies, as described in the draft policy.

g) General Data Protection Regulations

None

h) Whether this is a key decision, and if so the reference number

1047

5. Options, Risks and Reasons for Recommendations

5.1 To make revisions to the Draft Street Trading policy in light of comments made in the public consultation. This is dependent on what view Members take of the responses to the consultation.

5.3 Not to make any changes to the draft policy and refer to full council for final approval (in line with the Bassetlaw District Council Constitution). This is dependent on what view Members take of the responses to the consultation.

5.2 To reject the need for a Street Trading Policy and not progress this matter further. This would limit the options for trading in the district and not provide clarity to Officers when dealing with such applications.

6. Recommendations

6.1 The members decide upon if any changes to the Draft Street Trading Policy need to be made

6.2 That the final agreed version of the policy be referred to the next meeting of Full Council for final approval

6.3 The Council Solicitor to draft a report to take before the meeting of Full Council to seek a resolution confirming that Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 and designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

Background Papers

Legislation

Consultation responses

Equality Impact Screening

Location

Legal Department

Licensing Department



Our Ref: SLB/STPolicy
Please ask for Stella Bacon
Email: stella.bacon@bassetlaw.gov.uk
Telephone: (01909) 533533

February 2024

Dear Sirs

Draft Street Trading Policy

The Council's Street Trading Policy sets out the legal framework for the management of street trading (the selling, display with intent to sell, or offers to sell items on, or adjacent to a public road) in Bassetlaw and guides the Council as Licensing Authority when it considers applications for Street Trading Consents and the requirements that Consent holders must meet.

It is hoped that you will review the draft document and provide any feedback to us before the end of the consultation period.

The draft document form can be accessed at the link below.

<https://www.bassetlaw.gov.uk/about-us/consultations-and-engagement/street-trading-policy-consultation/>

Comments can be made by using the online form or alternatively by email to licensing@bassetlaw.gov.uk or in writing marked for the attention of Licensing Department and sent to Bassetlaw District Council, Queens Building, Potter Street, Worksop, S80 2AH.

The consultation period commenced on 6 February 2024 and the closing date for responses is 19 March 2024.

We would like to thank you for taking part in the consultation process and I look forward to receiving your comments in due course.

If you would like a paper copy of the document or if you have any queries on the matter, please do not hesitate to contact the Licensing Department.

Yours Faithfully

Bassetlaw District Council
Licensing Department

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Consultee 1:

Comment

1. Retford's Beardsall Row is a Prohibited Street - but Kings Cafe has outdoor searing, which the Society would not wish to see restricted or prevented.
2. The provision in the list of Prohibited Streets (appendix 2) says: "Exchange Street (from the Junction with Exchange Street to the end of the pedestrianised zone)" which is surely incorrect. Presumably this should be "Exchange Street (for the whole of its length – excluding the pedestrianised zone)". Otherwise, Mamma Giusi's cafe, which fronts Carolgate/Exchange Street, could be in a similar position as Kings. Also, the reference to "Churchgate (for the whole of its length)" is presumably incorrect. Chapelgate and Churchgate only meet at the narrowest point, at the northeastern corner of Market Place. The final 20 to 30 metres of each form the pedestrianised area. As the draft policy states "Chapelgate (for the whole of its length – excluding the pedestrianised zone)", it should also presumably state: "Churchgate (for the whole of its length – excluding the pedestrianised zone)"
3. To avoid residents and visitors to the town being impacted by diesel fumes and engine noise, an additional provision would be very much welcomed along the lines that traders who remain in one place for more than 20 minutes should not use vehicle engines or portable generators to supply electric power where the Council considers there is a mains power supply reasonably available that could be used and requires such a mains supply in the Consent issued to the Trader.
4. The requirement for money collected in a street collection to be certified by a qualified accountant is impractical. No accountant is ever likely to be present when the cash is counted and so any certification would be meaningless and lead to a breach of the Consent requirements

Other Comments/Suggested Changes

5. Item 3 is, in the main, directed at an ice cream van that is sat for about 8 hours a day on busy / market days at the edge of the market square in Retford (but not in the specific market area) and operates with a diesel engine running for all that time, thereby pumping diesel exhaust fumes out throughout. Electricity is available from the market area.

Consultee 2:

Comments

We are unsure whether this license is necessary, as any reputable company/individual would already have these measures in place. If a company/individual does already comply, then it seems they are being penalised for already being compliant. If a company/individual doesn't have these measures in place, it shows they are unwilling or uninterested in complying with the law, and unlikely to have an interest in obtaining a trading license. The only item that is required to obtain a license, that is not already a mandatory stipulation of street trading, is a Basic criminal background check. All the other criteria that has to be met, should already be in place by Law.

-Food hygiene certificate (All food outlets should be registered with the appropriate local council)

-Electric certificate (PAT testing/insurance/risk assessment)

-Public liability insurance for min £5 million (Legal requirement in case of illness)

-Evidence of right to work (Government stipulation)

-Evidence that the vehicle can be legally driven on the road (MOT, Tax and Insurance are compulsory requirements)

-Basic criminal check we understand that the relevant documents required for this license is controlled by different organisations (Local council, DVLA, insurance databases, Government - right to work, NICEIC electrical testing), but surely a simple demand for the information required would suffice??

Items we would like clarification on are:

- Cost of the license

- Whose name is on the license? (Regarding spilt shifts, part time workers, maternity cover, sickness cover, agency staff or would it be in the company name) These need clarifying and introducing to the policy

We are concerned that the policing of this license, should it come into affect, cannot be enforced against non-compliant/ non-licensed traders. This license will not encourage non-registered companies/individuals to apply and become compliant, if they are unwilling to do so. What measures are in place, to obtain information on companies/individuals that are trading illegally and are unlikely to comply?

Consultee 3:

The Council should strive to reduce air pollution in town centres and this is added to by traders who park for long periods and leave their vehicle engines running - in some cases to power ice cream fridges. This should not be permitted where there is a mains power supply which the trader could use even if that would require the trader to modify or replace his equipment. In relation to street collection licensing, the requirement that the statement of how much has been collected must be certified by an account is onerous, impossible in most cases to comply with, and achieves nothing. It should be removed. In practice charity collections are usually counted by the organiser and then banked. No accountant is present when counting occurs so any certification can only confirm what is paid into the bank. It cannot certify the count's accuracy. In addition some collections are now counted in a machine at the bank where again there is no possibility of an accountant certifying accuracy of the total.

Consultee 4:

Any new policy should seek to restrict all forms of street trading. Shops and businesses are under serious pressure Street Traders and Farm shops etc add to this pressure and should be restricted.

Restrict the sale of plants and trees in laybys there are precious little places to stop and park without Vendors occupying lay by.

Restrict street traders to give shop owners paying too much tax a chance to survive.

Consultee 5:

I think that the council should charge an appropriate amount street trading according to what street trading it is say selling catering should be a lot higher than a person selling other goods

Consultee 6:

If buskers selling copies of their music are included then the following conditions should be included. Maximum sound volume they can create must have a repertoire that does not repeat in less than 120 minutes. Should pass a Bassetlaw audition for having some talent

Consultee 7:

do believe 20 Min is a very short time for a mobile trader be parked.. in my case just set everything up takes me about 10 min, then it will leave just 10 Min to trade, sometimes, maybe business isn't in the place.. being moving all the time would encourage traders leaving engines edling specially in winter.. in my opinion this will be worse for the environment..

I can't see and issue to set couple tables with chairs, where be safe and weren't any obstruction with vehicles and pedestrians transit..

BASSETLAW DISTRICT COUNCIL STREET TRADING AND COLLECTION POLICY

GLOSSARY

The Council:	Bassetlaw District Council
The Applicant:	The trader who has submitted an application for a Consent or Permit
Assistant	Any person or persons who assists the holder of a consent to trade whilst trading under that consent and who has been notified to and approved by the Council
Consent	Means consent to trade on a street issued by Bassetlaw District Council
Consent Holder:	An individual or company who holds a Street Trading Consent.
A Street:	Includes any road, footway, beach or other area to which the general public have access without payment.
A Trading Consent:	A permission, given by the Council to trade, subject to conditions and payment of a fee.
A Roundsman:	An individual who visits a “round” of customers and delivers the orders of those customers, i.e. a milkman. A person operating an ice-cream van is not classed as a roundsman.
A Pedlar:	A Pedlar is a trader who must: <ul style="list-style-type: none"> • Hold a valid Pedlar’s Certificate issued by a Chief Constable of Police. • Keep moving, stopping only to service customers at their request. • Move from place to place, and not circulate within the same area. • Carry all goods for sale and not set up a “stall”.
A Permit:	A permission given by given by the Council to carry out a charitable collection subject to conditions.
A Pitch/Pitches:	The area where Street Trading Consents have been approved. A list of Pitches is maintained by the Licensing Department.
Mobile Trader:	A Mobile Trader is one that visits more than one location within the District, and who: <ul style="list-style-type: none"> • Continually moves from location to location. • Does not wait in one location for more than 20 minutes. • Moves at least 50 metres from the last trading location; and • Does not return to the same trading location within 4 hours. • Does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the educational establishment).

Licensing Officer:	An Authorised Officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 (the legislation regulating Street Trading).
Activities that do not require a Street Trading or Mobile Trading Consent:	Trading: <ul style="list-style-type: none"> • As a Pedlar under a Pedlar’s Certificate. • As a News Vendor • At a Market or fair, the right to hold which having been obtained by a grant, enactment or order. • At or adjoining a shop premises as part of the business of the shop. • As a Roundsman (i.e. delivering pre-ordered goods to customers). • From a licensed highway area • Under a Street Collection Permit for charitable purposes.

1. About this Policy

This Policy sets out the framework for the management of Street Trading in the area for which Bassetlaw District Council has responsibility.

The Council recognises the valuable contribution that Street Trading can make to the local culture and economy, and the services that Street Traders provide to residents and visitors. Street Trading can provide people with a flexible way of working, to meet the demands of the public where and when such demands arise.

Issues can arise where Street Traders do not pay due regard to their location and operation, or make it dangerous for the public and road users to move around them. Street Trading can also result in littering and other nuisances to persons in the vicinity.

This Policy will guide the Council when it considers applications for Street Trading. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed. It sets out the grounds upon which decisions are made about Street Trading applications, and any enforcement actions if required.

If you sell or offer for sale any article on the streets of the district, or on any other public open area where the public have access without payment then you need a Street Trading Consent issued by Bassetlaw District Council’s Licensing Department.

This Policy does not apply to those traders operating on Council managed markets.

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent

2. Street Trading Legislation

Bassetlaw District Council passed a resolution on [REDACTED] stating that Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 should apply to its area as shown at **Appendix 1**.

Under Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

'Street Trading' means selling, exposing or offering for sale of any article, whether food or non-food, including a living thing, whether with or without a stall from any road, footway, highway or other adjacent areas to which the public have access without payment. It also applies to traders operating in one place or moving from place to place

There are a number of exemptions to the street trading requirements these are:

- Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- Trading as a news vendor (Section 3 Local Government (Miscellaneous Provisions) Act 1982,)
- Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- Offering or selling things as a roundsman.
- Trading in a trunk picnic road area provided by the Secretary of State under Section 112 of the Highways Act 1980
- The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway.
- The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- The doing of anything authorised by regulations made under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable purposes

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982, 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.

A Consent Street is a street in which Street Trading can only take place if the consent of the Local Authority has first been obtained. All streets within the Council's area are designated as Consent Streets, as such no trading may take place without the Council having issued a Street Trading Consent to the trader. A list of locations already designated as approved Street Trading locations can be found on the Council website.

Prohibited Streets are streets that have been designated as ones where no Street Trading may take place. There are a number of Prohibited Streets in the area. A list of prohibited street can be found at **Appendix 2**.

A Licence Street is a street that requires a formal Licence to have been granted before any Street Trading can take place. There are no Licence Streets within the Council's area

Charitable Collections are regulated by:

- The police, factories, etc. (Miscellaneous Provisions) Act 1916 deals with collections of money or sales of articles for charitable purposes in streets or public places
- The House to House Collections Act 1939 deals with collections of money or other articles made by means of going from house to house

3. Consent Streets

If a street is designated as a “**Consent Street**” then street trading without a consent is a criminal offence.

The Council is of course always bound to act reasonably and consistent with its general obligations (e.g. those under the Human Rights Act), but subject to that the Council enjoys a very wide discretion with regard to the granting or refusal of street trading consents and does not have to rely upon specific statutory grounds in order to refuse an application for grant or renewal of a consent.

There is no right of appeal against any council decision made in respect of a Street Trading Consent.

A Street Trading Consent cannot be granted for a period of time exceeding twelve months and can be revoked at any time.

When granting or renewing a consent the council may attach any reasonable condition.

The Council can at any time vary the conditions attached to a consent. Any such variations will be notified in writing to the named person on the application form for the consent and will take effect immediately or on the date of the notification letter.

4. Types of Street Trading Consents and Collection Permits

For the purposes of this Policy and to assist applicants, the Council issues 4 types of Street Trading Consents, each specific in its nature:

- **Street Trading Consent:** Trading from a stall / unit / vehicle from a single designated location on a regular basis.
- **Mobile Trading Consent:** Trading from a vehicle at various locations across the Bassetlaw District, but for no more than 20 minutes at a time, and no location to be revisited within a 4 hour period.
- **Community & Charity Trading Consent:** Trading at non-profit making events (within the Bassetlaw District) held by a registered charity or community association, whether for a single day or for the duration of the entire event.

- **Special Events Trading Consent:** Trading at events (within the Bassetlaw District) where the organiser intends to make commercial gain, whether for a single day or for the duration of the entire event.

The Council also issues

- **Street Collection Permits** - to collect money for charity in public areas in the Bassetlaw District
- **House to House Collection Permits** – undertaking door to door charity collections in the Bassetlaw District
- **Authority to Collect using Direct Debit Mandates** – Informal arrangements with charities who wish to approach the public to invite them to make regular donations by Direct Debit agreement.

5. Pitches for Street Trading

A list of currently adopted Pitches for Street Trading locations (including those currently vacant) can be requested from the Councils Licensing Department.

Applications for a Street Trading Consent to be issued for pitches not currently adopted will be welcomed. Applicants are strongly advised to refer to the section within this Policy that details where such locations would be deemed not suitable for trading.

The Council will assess potential new pitches which are subject to an application for Street Trading Consent in line with this policy.

If a Pitch is in an area which holds a Council operated market it cannot be used for Street Trading as on market day's street markets will take priority over Consent holders.

In determining whether to create a new Street Trading pitch the Council will have regard to

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions, parking, etc.
- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- congestion in the area
- impact on the character of the area
- where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited
- whether the site does not allow the Consent Holder, staff and customers to park in a safe manner

- whether the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and the public

This is a non-exhaustive list and the Council may consider other relevant factors which are material at the time an application is submitted

If an application is submitted and the pitch is not approved the applicant will receive a partial refund of their application fee.

6. Consultation for Consents

All Street Trading Consent applications and renewals (except from Mobile Traders, Community & Charity Traders) will be subject to a 28 day consultation period.

Applicants (except from Mobile Traders, Community & Charity Traders) must affix a yellow notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation period has ended.

The consultation will seek the views of local residents and businesses that may be directly affected, and statutory agencies/bodies whose responsibilities may be impacted by the proposed business

Consideration will be given to all written representations that are not deemed to be irrelevant, frivolous, vexatious, or repetitive. Representations will be vetted by Officers of the Licensing Team for validity.

All applications for Street Trading Consent, including renewals are referred to

- The Council's Environmental Health Department
- The Highways Authority – who may carry out a risk assessment of the location, may impose conditions on the site and may veto any requested location on the grounds of road safety or obstruction, even though consent may have been issued previously.
- Nottinghamshire Police may also be consulted on applications involving evening/night time trading hours.
- The Council's Planning Department
- Occupiers of premises immediately adjacent and opposite
- Existing holders of Street Trading Consent in the immediate area

Applications may also be referred to the following if deemed appropriate to

- English Nature
- Natural England
- A1+
- Highways England
- Ward councillors
- Parish or town council

- Nottinghamshire County Council Public Health Team
- Home Office – Interventions & Sanctions Directorate

If no comments/responses are received, the application will be granted in the terms applied for with standard conditions attached to the consent.

Any objection from consultees will be assessed against the criteria detailed in this policy, and will be referred to the Licensing Committee for determination.

If there are any proposed changes to standard conditions, Consent holders and others considered relevant by the Council, will be consulted

There is no right of appeal against refusal to issue a Street Trading Consent.

7. Relevant Considerations Applicable to Applications

The following criteria will be considered in deciding whether or not a Consent will be granted, and on what conditions:

- **Public Safety** - Whether any Street Trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions, or danger that may occur when a Trader is accessing the site. Nottinghamshire County Council Highways Department will be consulted on all applications to ensure high standards of road safety for applicants, the public and other road users.
- **Public Order** - Whether the Street Trading activity represents, or is likely to represent, a risk to public order. Nottinghamshire Police will be consulted on all applications regarding public order. Traders will conduct themselves in a professional manner.
- **Preventing Nuisance or Annoyance** - Whether the Street Trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter, or the discharge of fluids, particularly in areas of residential properties. The Council's Environmental Health Team will be consulted on all applications with regard to the prevention of nuisance.
- **Written Representations from Local Residents** - Residents will be alerted to Street Trading (fixed single sites only) applications via a yellow A4 notice erected at the proposed Street Trading location. The relevant District Ward Councillor will be consulted on applications for Street Trading Consents in their area.
- **Planning Permission** - A Street Trading Consent will only be issued where planning permission has been granted or where there is written evidence that planning permission is not required.
- **Suitability of Proposed Trading Location** - Applications for a Street Trading Consent will be refused for locations that are:
 - **In close proximity to a place of worship;**
 - **In close proximity to a place of education;**
 - **In close proximity to a place of healthcare;**
 - **In close proximity to a place of cultural or historical local / national significance;**

- **In close proximity to primarily residential properties;**
- **In close proximity to a business offering the same goods / services;**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**
- **Appearance of the Stall / Vehicle / Unit** - Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet with the criteria, including size, laid down in the standard conditions attached to the grant of any Street Trading or Mobile Trading Consent. Photographs or sketches, including dimensions, must be provided with all new applications and requests for approval of changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.
- **Food Traders** - Applicants for stalls or vehicles selling food, must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health & Hygiene. All businesses must be registered with the Food Safety Team (Environmental Health) in the district within which the stall or vehicle is kept overnight, and if such a district is not the Council, the business is still required to notify the Council's Food Safety Team that it is trading at a location within our area. Should the business change its registered address, then a notification must be sent to both the Licensing Team and Food Safety Team at Bassetlaw District Council, in order that our records may be updated.
- **Environmental Credentials** - The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste generated by customers. Provision of adequate measures to minimise the environmental impact of the proposed operation
- **Highway** - The location and operating times will be such that the highway can be maintained in accordance with the Nottinghamshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

8. Nature of Goods and Trading Hours

The nature of goods which may be sold from any pitch must be specified, by the applicant, and disclosed in the consultation process. Any subsequent substantial change will be assessed by officers, subject to the criteria detailed in this policy.

The Council will not normally grant a new consent/licence for the sale of goods or services which conflict with those provided by nearby shops.

9. Issue of Street Trading Consents

Street Trading Consent can be issued for any period up to a maximum of **12 months**. After this period, if the current holder does not renew a consent, the site will become available for other applicants.

Annual Consents issued will be renewable on the date specified in the Consent.

Shorter term Consents may be issued on a daily, weekly or monthly basis. These particular Consents will expire, unless renewed, on the date specified in the Consent.

Each permission(s) granted by the Council will identify the days and hours of trade.

If so required a waiting list will be kept in order to allocating empty pitches. When an existing or new pitch becomes available, the Council will contact those at the top of the list. If the pitch is taken, their name will be removed from the list. If the pitch is declined, the name will be moved to the bottom of the list.

A consent/licence cannot be issued to a person under the age of 18 years.

An application may be refused if the applicant is unsuitable to hold the consent by reason of having been convicted of an offence or for any other reason.

10. Other Permission(s) Required

If a Street Trading Consent is required, the onus is on the applicant to obtain both planning permission and permission to trade from the landowner prior to making an application for Street Trading Consent. It is not the responsibility of the Council to investigate and obtain this information.

Having established that the site(s) is/are suitable in principle, a planning application must be submitted to the Council's Planning Department.

Applicants should not submit a Street Trading Consent application until planning permission has been obtained.

Applicants may be liable to pay Business Rates.

Applicants who sell hot food or hot drinks between 11.00 pm and 05.00 am will need a premises licence under the Licensing Act 2003.

11. Markets

Markets, held in the market towns of the district are outside the scope of this Policy

The Council may have adopted locations for Street Trading where local markets take place, but Street Trading is not permitted at these locations during the hours that the Markets are in operation

Market Traders will have to adhere to rules and regulations set by the Town Centre Manager and pay the fees for Markets accordingly.

12. Street Trading Consents New Applications

An application for Street Trading must be made to the Council in writing, on the specified application form, or online if the Council operates this system.

The following will be required to be submitted with the application:

- A completed and signed Street Trading Consent Application Form.
- The full application fee as appropriate.
- Proof of address (Original banks statements or utility bills)
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- A certificate of Public Liability Insurance that covers the Street Trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
- A current Level 2 Award in Food Safety in Catering certificate for all food handlers (if applicable).
- A licensed waste carrier agreement or, original proof of a contract set up with a trade waste collection contractor
- Current Electrical and Gas Safety Certificates (if applicable).
- Evidence that the applicant and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.
- Evidence of consent given by the landowner for the business to trade from the location (private land only).
- Evidence that Planning Permission has been granted, or is not required.
- Colour photographs of the stall / vehicle / unit from which trading is to take place (the photographs must clearly show the internal and external visual condition of the unit and all signage affixed to it).
- Copy of the A4 Yellow Notice placed at the proposed trading site
- A Basic Criminal Background Check. On application the check will not be accepted if it is submitted later than three months from the date of issue of the check. This will need to be completed upon application every three years.

Upon receiving a completed application a 28 day consultation will take place

If the application relates to a new pitch the suitability of the site will need to be assessed before the application can be progressed.

Applicants shall place a Yellow A4 Notice at the proposed trading site detailing the application and consultation period. This must be in the format prescribed by the Council. A template is available upon request.

On the first working day following receipt of a new completed application form and all other necessary documents, and payment of the application fee a 28 day consultation will commence.

If there are no valid objections received during the consultation period, or any concerns that may arise in relation to the application are resolved, then a Street Trading Consent

will be issued for a maximum period of 12 months or a minimum period of 6 months (upon request by the applicant).

Where an application is the subject of valid objections that remain unresolved by the end of the 28 day consultation period. Or the applicant or an employee has criminal conviction(s), the application will be referred to a Licensing Sub Committee who will use this policy to assist them in their determination of the application.

Following the determination of an application, the Licensing Authority will notify the applicant (and any objectors) of the decision (and the reasons for the decision), within 10 working days of the Hearing.

If applicant or an employee has criminal conviction(s) the Licensing Sub Committee will follow the guidance at **Appendix 3** to this policy

There is no statutory right of appeal against a refusal to issue a Street Trading Consent, or against the conditions that may be attached to the grant of a Street Trading Consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice

Each application will be assessed on its merits and individual circumstances.

13. Street Trading Consent Renewals

An application to renew an existing Street Trading Consent must be submitted to the Licensing Authority no later than 6 weeks prior to the current Consent expiring.

The following will be required to be submitted with each renewal application:

- A completed and signed Street Trading Consent Application Form.
- The full fee as appropriate.
- Proof of address (Original banks statements or utility bills)
- A certificate of Public Liability Insurance that covers the Street Trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
- A current Level 2 Award in Food Safety in Catering certificate for all food handlers (if applicable).
- Proof of the applicants and any prospective employees right to work in the UK.
- Current Electrical and Gas Safety Certificates (if applicable).
- A licensed waste carrier agreement or, original proof of a contract set up with a trade waste collection contractor
- Copy of the A4 Yellow Notice placed at the proposed trading site

At the time of renewal, the Council will carry out a consultation to determine if the street trader is a cause for concern or has been the subject of complaints.

If a renewal application is not made before no less than 6 weeks before the expiry of a current Street Trading Consent, a new application will have to be made. The effect

of this will be that a trader will not be permitted to trade until the new Consent/licence is issued.

Where a renewal application has been made and there have been no justifiable complaints and no change in criminal, no enforcement issues and all fees have been paid on time, the Consent will be renewed.

Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee following the procedure.

If applicant or an employee has criminal conviction(s) the Licensing Sub Committee will follow the guidance at **Appendix 3** to this policy

There is no statutory right of appeal against a refusal to renew a Street Trading Consent, or against the conditions that may be attached to the grant of a Street Trading Consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

14. Mobile Street Trading

Street traders that meet the conditions below will be classed as Mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile/peripatetic street traders.

Traders must meet **all** of the below conditions to be classed as mobile/peripatetic:

- move from location to location
- move at least 50 metres from the last trading location and do not return to that location within four hours
- do not wait in one location for more than twenty minutes
- do not trade within 100 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment).

Due to the nature of the trade over a wide geographical area and their limited impact upon a single location mobile/peripatetic street traders will automatically be granted a Street Trading Consent subject to meeting all the above conditions and submitting a complete application.

Mobile Trading Consents are granted for periods of 6 or 12 months and require renewal before the expiry of any current Mobile Trading Consent that has been granted.

15. Mobile Trading Consent Applications

All applications for the grant or renewal of a new Mobile Trading Consent shall include the following:

- A completed Mobile Trading Consent Application Form;
- Food Hygiene Certificate (if applicable).
- Current Electrical and Gas Safety Certificates (if applicable).
- Current Public Liability Insurance (to a minimum value of £5,000,000).
- Evidence that the applicant and any person(s) operating the vehicle holds a valid right to work in the U.K.
- A map / maps showing the proposed trading sites, and showing all streets and other public areas covering a 200 metre radius surrounding the proposed Mobile Trading locations.
- Photographs of the vehicle from which trading is to take place (the photographs must clearly show the internal and external visual condition of the vehicle and all signage affixed to it).
- Evidence that the vehicle may legally be driven on the highway by way of a valid M.O.T., valid Motor Insurance and valid Vehicle Excise Duty.
- A Basic Criminal Background Check. On application the check will not be accepted if it is submitted later than three months from the date of issue of the check. This will need to be completed upon application every three years.

16. Determination of Applications for Mobile Trading Consent

A Mobile Trading Consent will be automatically granted if the application meets with the criteria set out at Paragraph 7.

Where an application is deemed by the Officers of the Licensing Team to not meet with the criteria of this Policy, the application will be referred to the Licensing Sub-Committee who will determine each application on its own merits, taking into consideration all information attached to the application, and any information provided by the Licensing Team in relation to the applicant, the nature of the business, and the proposed locations.

Following the determination of an application, the Licensing Authority will notify the applicant, and any person or body who has made a comment or objection, of the decision (and the reasons for the decision), within 10 working days of the Hearing.

If applicant or an employee has criminal conviction(s) the Licensing Sub Committee will follow the guidance at **Appendix 3** to this policy

There is no statutory right of appeal against a refusal to issue a Mobile Trading Consent, or against the conditions that may be attached to the grant of a Mobile Trading Consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

If the application is granted the applicant will be advised by letter that the Mobile Trading Consent has been granted. The Mobile Trading Consent will be enclosed with the letter, and attached to the Mobile Trading Consent will be the conditions imposed by the Council, which must be adhered to at all times.

17. Mobile Trading Consents Renewals

An application to renew an existing Mobile Trading Consent must be submitted to the Licensing Authority no later than 6 week to the expiry date of the current Consent. All necessary documents to satisfy the Councils criteria must be submitted every time a renewal application is made.

The following will be required to be submitted with each renewal application:

- A completed and signed Mobile Trading Consent Application Form
- The full fee as appropriate.
- A certificate of Public Liability Insurance that covers the Street Trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
- A current Level 2 Award in Food Safety in Catering certificate for all food handlers (if applicable).
- Proof of the applicants and any prospective employee's right to work in the UK.
- Current Electrical and Gas Safety Certificates (if applicable)
- Current MOT

At the time of renewal, the Council may consult further to determine if the mobile trader is a cause for concern or has been the subject of complaints.

If a renewal application is not made before no less than 6 weeks before the expiry of a current Mobile Trading Consent, a new application will have to be made. The effect of this will be that a trader will not be permitted to trade until the new Consent/licence is issued.

Where a renewal application has been made and there have been no justifiable complaints, no change in criminal record status, no enforcement issues and all fees have been paid on time, the Consent will be renewed.

Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee.

If applicant or an employee has criminal conviction(s) the Licensing Sub Committee will follow the guidance at **Appendix 3** to this policy

There is no statutory right of appeal against a refusal to renew a Mobile Trading Consent, or against the conditions that may be attached to the grant of a Mobile Street Trading Consent. A person aggrieved by a decision of the Council may make an application to the High Court for the judicial review of the decision. For further information on potential grounds for judicial review, applicants should seek independent legal advice.

18. Charitable & Community Event Trading Consent

Traders at an event organised and run by a registered charity or recognised community association (or other non-profit making organisation) for public benefit will

be exempt from the requirement to obtain a Special Events Trading Consent for the location of the event, subject to the following restrictions:

- Traders cannot remain at the location more than 72 hours or return to the location more frequently than once in any calendar month.
- Traders must be invited to trade at the event by the event organisers
- Traders of hot foods and / or hot non-alcoholic beverages operating after 23:00 hours must submit a Temporary Event Notice in order to provide the licensable activity of “Late Night Refreshment” in accordance with the requirements of the Licensing Act 2003.
- That the organisers of the event make no “commercial gain” from the event (i.e. that all profits made are put back into the purpose of the registered charity / community association).
- That the Traders make a financial contribution from any profits made to the community and / or charity for which the event is held.

Should the event be one where the event organiser intends to make “commercial gain”, then a Special Events Trading Consent must be applied for.

19. Charitable & Community Event Trading Consent Application Procedure

Each application will be considered on its own merits so that individual circumstances may be taken into account and exceptions may be made to this policy where appropriate.

The application must be made by the Event Organiser

Within the application submitted, details of each trader and the goods being sold from each stall / vehicle / unit will be provided.

Evidence to show that the event is “not for profit” must be provided with the application and that the Traders are making a financial contribution from any profits they make to the community and / or charity for which the event is held

If the Licensing Team deem the event to be for “commercial gain”, the Licensing Team will notify the Event’s Organiser and inform them they need to apply for Special Events Trading Application.

The following will be required to be submitted with the application:

- A completed and signed Street Charitable & Community Event Trading Consent Application Form.
- The full application fee as appropriate.
- Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- A certificate of Public Liability Insurance that covers the Street Trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.

- A current Level 2 Award in Food Safety in Catering certificate for all food handlers (if applicable).
- Current Electrical and Gas Safety Certificates (if applicable).

20. Special Events Trading Consents

Traders attending an event organised for “commercial gain”, require a Special Events Trading Consent to be granted to the event organiser. These are events such as Car Boot Sales, Fetes, Carnivals and similar Community Events

At special events, the Council will issue one consent or licence to the person organising the event (“the Organiser”), rather than to each individual trader if that person or company is responsible for all traders under their permission.

The Council will require that the Organiser produces a list of the individual traders, to the Licensing Department, before the trading day. The Council further require that traders hold, and are able to produce to Officers of the Council upon request, a written authorisation from the Organiser

The Council require the Organiser to hold an insurance certificate covering all the individual traders.

The Council will issue a single consent or licence, which will cover a number of traders

- Category 1 – Up to 20 traders
- Category 2 – Over 20 traders

Trading at one off events to which the public have access, without payment, such as outdoor school fetes, community fundraising events, carnivals, or other non-profit making events; where such events would be run for the benefit of the community and as such any financial gain is re-invested in the community will be deemed not to require consent.

Special Event Trading Consents are subject to the following restrictions

- Traders cannot remain at the location beyond the duration of the event
- Traders must be invited to trade at the event by the event organiser
- Traders of hot foods and / or hot non-alcoholic beverages operating after 23:00 hours, or Traders selling alcohol, must submit a Temporary Event Notice in order to provide the licensable activity of “Late Night Refreshment” in accordance with the requirements of the Licensing Act 2003
- Traders providing alcohol will be required to have a valid Temporary Event Notice in accordance with the requirements of the Licensing Act 2003
- Traders must provide evidence of a valid Food Hygiene Certificate (if a food business)
- Traders must provide evidence of current Electrical and Gas Safety Certificates for their stalls / vehicles / units (if applicable)

- Traders must provide evidence of holding current Public Liability Insurance (to a minimum value of £5,000,000).
- Traders must provide evidence that they and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.

21. Special Events Trading Consents Application Procedure

The event organiser will notify the Licensing Team of the intended event.

The application will need to be submitted at least 8 weeks before the event or it will be rejected.

The application shall only be submitted by the event organiser, this is the person or company with overall control of the event.

The application will include:

- Details of each trader
- Details of the goods being sold from each stall / vehicle / unit
- The full fee
- The documents specified at paragraphs 20

If any stall / vehicle / unit at the event sells alcohol, or provides hot food and / or hot beverages after 11.00 p.m. the Licensing Team will advise the event organiser that a Temporary Event Notice granted in accordance with the Licensing Act 2003 will be required to cover these licensable activities.

A copy of the Special Events Trading Consent (listing each Trader) must be displayed at all stalls / vehicles / units trading at the event.

Events where the anticipated attendance is more than 1500 people will have to submit a full event plan with their application. This will be referred to consultees of the Councils Safety Event Group ("SAG") for comment. If consultees of the SAG raise any objections the application will be referred to the Licensing Sub Committee.

22. Grant of Applications/Renewals

The applicant will be advised by letter that the application/renewal has been granted/renewed.

The Consent and conditions will be enclosed with the letter

23. Vacant Sites

In the event of a Street Trading Consent being revoked, surrendered or not renewed the Council will maintain a list of all sites which have been previously subject to a valid Consent

24. Transfers and Sub-Letting

Any of the consents specified in this policy cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent Holder's immediate family in the event of the Consent Holder's death or incapacity on payment of a fee.

The sub-letting of any pitch is strictly prohibited.

25. Fees

Fees will be set and reviewed annually on a full cost recovery basis.

The level of fees applicable takes into account the administrative costs associated with the consideration of applications, the issue and administration of the Consent, and the costs associated with compliance checks carried out by the Licensing Authority to ensure that Traders operate in accordance with the conditions of their Consent.

Where trading ceases during the term of Consent, refunds will not be given for any outstanding period.

No application will be deemed valid until payment of the appropriate fee

All fees must be paid in advance.

26. Criminal Record Check

A basic criminal record check from Disclosure England or Subject Access Check from the local police will be required with each grant or every 3 years for a renewal application for the applicant.

If the applicant was born outside of the UK and came to the UK as an adult, they must provide a Criminal Record Check and a evidence of a criminal record check from the country/countries lived in or a "Certificate of Good Conduct"

If the applicant came to the UK as a child (under the age of 16), they must provide evidence of this. Examples of proof accepted by the Council include:

- the applicant's/licensee's parent's passport from when they first came to the UK,
- proof of school attendance in the UK,
- a letter from your GP stating how long they have been registered with the NHS.

If an applicant has spent 3 continuous months or more overseas, since reaching the age of 16 the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant/licensee was overseas or a "Certificate of Good Conduct"

The purpose of requiring a statutory declaration is to enable the Council to demonstrate that it has taken significant steps to ensure, as far as is practicable, the credibility of information supplied to it within a legal process. It should also

demonstrate to the applicant the significant seriousness of not telling the truth or providing misleading information during an application process to obtain a licence from the Council.

Where the Council requires a statutory declaration it must be obtained from a practising UK solicitor or Commissioner for Oaths.

The preferred format of the Statutory Declaration can be provided by the Licensing Department. It is important that the solicitor or Commissioner for Oaths follows exactly the format of the declaration. Any declarations that are considered to be deficient in any material detail will not be accepted.

Any costs incurred are the responsibility of the applicant.

The applicant must also list at grant and renewal and during the term of the consent, all working assistants associated with the street trading consent, as detailed in the conditions.

When considering the relevance of convictions and cautions this Licensing Authority will have regard to **Appendix 3**.

In assessing whether an applicant is a suitable person, that being morally suitable to comply with regulatory requirements, this Licensing Authority will consider each case on its own merit.

This Licensing Authority will take account of unspent convictions and cautions, but only insofar as they are relevant to an application for a consent.

Upon receipt of a basic disclosure certificate from an applicant, a Licensing Officer will assess whether any or all of the convictions and/or cautions have relevance to the issue of whether or not the applicant is a "fit and proper" person to hold a consent. If it is determined that the convictions and/or cautions are relevant, then a Licensing Officer will refer the application to a Licensing Sub-Committee for determination.

27. Trading Hours

Standard Trading Hours are:

Roadside locations for vehicles

- Daytime site from 08:00 to 18:00.
- Evening sites for the Sale of Hot Food from 18:30 to 03:00 (can be extended to 04:00 Thursdays, Fridays, and Saturdays on application and subject to approval).

Pavement locations

- 08:00 to 21:00.

Mobile traders

- 07:30 to 20:00

Should an applicant wish to apply for hours beyond these the application will be referred to the Licensing Sub Committee

28. Identification Plates and Badges

All mobile vehicles, stalls, carts or other devices used for street trading will be required, whilst trading, to display an identification plate issued by the Council. The plate remains the Council's property throughout the duration of the Consent.

The identification plate should be displayed externally in a prominent position on the trading unit so that it is clearly visible to members of the public using when the Mobile Street Trading Unit is moving around the district.

All holders of Consents and their Assistants will be issued with identification badges available for inspection by Authorised Officers upon request.

The identification plates and badges must be returned to the Council if the Consent Holder ceases to trade and surrenders his/her Consent.

29. Access by Council and Police Officers

Consent Holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by the Council.

30. Change of Trading Unit process

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three different colour photographs of the unit that will be used for the street trading activity.

A fee will be payable

The Council's Environmental Health Department will be consulted and may raise objections. If an objection is raised the matter will be referred to the Licensing Sub-Committee

31. Trade Waste

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled correctly. Those holding Consents are operating a business so they have a legal duty to ensure that they store the waste securely pending collection and only give it to somebody who is authorised to receive it.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept showing how the waste has been disposed of, which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres.

32. Extension of Trading Hours

If a Consent Holder wishes to extend their trading hours then a full application will need to be submitted and will be treated as a new application.

When applying for additional hours, the Council will determine each application on its own individual merits.

33. Surrendering a Consent

Should the holder of a Consent decide that they no longer wish to hold a Street Trading Consent, they will need to provide written confirmation of this fact detailing their last trading day.

Once they have ceased trading, they will be required to return the Consent plate and paper consent to this Licensing Authority within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

34. Appeals Against Conditions, Unresolved Applications and Revocations

An applicant wishing to make an appeal against conditions attached to a Consent must do so in writing within 21 days of being issued with the Consent. The appeal should set out:

- Details of the condition or conditions being appealed against, and
- The reasons for making the appeal.

In the case of an appeal against the revocation of a Consent by the Council, the appeal must be made within 21 days of receiving notification of such revocation, and set out the reasons for making the appeal.

On receipt of a written objection, or an unresolved application that does not meet the criteria in these Guidelines, or an appeal against an officer decision on conditions attached to a Consent, arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing Sub-Committee.

35. Street Collection Permits

It is illegal to collect money or sell articles for the benefit of charitable or other purposes without obtaining a street collection licence from the Council if that collection is held 'in a street or public place'.

There is no fee for a street collection licence.

A licence is required for a street collection to ensure collectors are properly authorised and that money collected in a secure way with the total proceeds accounted for correctly.

The following rules will be applied to Street Collection Permits applications;

- Two permits, per charity, per year (except in exceptional circumstances with the approval of the Council Solicitor in consultation with the Chair of Licensing Committee), with preference being given to charities or organisations which will benefit the residents of the district of Bassetlaw
- No more than one permit on any one day, in each specified area. This is in order to be fair to charities and the public and also to avoid conflict with more than one collection going on at the same time
- Street Collections shall be authorised to take place on Saturdays **only**
- Collections sought for Weekdays or Sundays shall only be authorised only in exceptional circumstances by the Council Solicitor in consultation with the Chair of Licensing Committee.
- For Street Collections applications taking place in conjunction with an event involving children, the following information must be appended to the application:-
 - A street map showing the exact route from start to finish, stating the road names, whether the pedestrianised/marketplace areas are to be visited.
 - The ages of the children participating and the maximum number of the children on the proposed Parade.
 - The ratio of staff/adults to children numbers to be provided including confirmation that a first aid trained member of staff or adult will be present on the Parade.
 - If the Parade involves school children from within the Bassetlaw area then confirmation that the Parade is covered by Nottinghamshire County Council Insurance.
 - Confirmation that liaison with the Town Centre Manager and the local Police has taken place over the proposed Parade. If the street collection is to take place on a Market Day then provision may have to be agreed as to where the children/collectors may stand or walk without obstructing the market stallholders, members of the public and the emergency services access.
 - A risk assessment
- For applicants who wish to collect on the pedestrianised areas or marketplaces within Worksop or Retford then the following information must be appended to the application:-
 - Details to cover both the person promoting the collection and the charitable organisation or society on behalf of which they will be collecting.
 - If the applicant is collecting on behalf of a charity, then written authorisation must be provided from that Charity along with the application. The organisation's registered charity number to be supplied (if applicable).

- o Confirmation that liaison with the Town Centre Manager has taken place over the proposed street collection. If the street collection is to take place on a Market Day then provision may have to be agreed as to where the collectors may stand without obstructing the market stallholders, members of the public and the emergency services access.

All applications which are not received by the Council at least 6 weeks before the proposed collection date will be rejected.

Within one month of the date of the collection applicants must submit a statement of returns showing the amount of money received and any expenses incurred. Failure to do so may result in future applications being rejected.

36. House to House Collections

House to house collections involve a collection of either money or items directly from a person's property. These collections are subject to licence regulation to ensure the public has confidence that an adequate proportion of their donations are being given to the appropriate charity.

House to House collections are regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947.

There are National Exemption Orders that are available to charities who have undertaken a high number of collections across local authority areas nationally in the preceding two years. These exemptions are issued to the charity by the Cabinet Office not by the Council.

House to house collections are defined as "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". The term 'house' also includes places of business. They include, therefore, collections of money, or any other items that may be sold for money, where the proceeds are given to any charitable, benevolent or philanthropic purpose (for example, charity clothing collection bags). This means any appeal to the public, made by visits from House to House, to give money or other property. "House" includes a place of business therefore anyone collecting from pub to pub will require a licence.

All applications must be made on the application form and received no later than two calendar months before the first proposed collection date. Applications or incomplete applications received later than this date will be rejected. Application will not be considered as complete unless the applicant provides all of the information that is specified on the application form and accompanying notes.

Unless evidence can be provided of exceptional circumstances no more than one permit on any one day, in each specified area. Permits will not be granted for more than one week per month (7 days in each calendar month). This is in order to be fair to charities and the public and also to avoid conflict with more than one collection going on at the same time. If an applicant believes they can evidence exceptional circumstances evidence shall be submitted with the application and shall be

considered by the Council Solicitor in consultation with the Chair of Licensing who have the power to grant more collections or collections for a longer period.

No more than two permits, per charity/applicant in each rolling 12 month period.

If multiple applications are received for a single date and location preference shall be given to charities or organisations which will benefit the residents of the district of Bassetlaw. If the applications relate to charities who have no local connection they shall be processed on a first come first served basis.

In addition to completing the Council's application form, the applicant must also supply information relating to:

- (a) Whether the collection beneficiary is a registered charity (with charity number), and the objectives of the charitable cause as supplied to the Charity Commission. The collection beneficiary is the term used to describe the organisation on whose behalf the collection is being undertaken.
- (b) Full details of the collection beneficiary – this must include date of formation, names of trustees, directors etc.
- (c) If the collection is being undertaken by an individual or organisation other than the beneficiary of the collection then full details of this individual / organisation must be provided – this will include details of directors / trustees / owners (in the case of an organisation).
- (d) Relevant accounts and financial statements of the promoter, collection company / agent and the charity (if different)
- (e) The details of how the amounts to be allocated to the charity, collectors and promoter are calculated. The following must be clear from the information provided:
 - i. The expected value of the money / items collected before any expenses are deducted (“the gross collection amount”).
 - ii. Full details of any deductions that will be applied to the “gross collection amount” and how these will be calculated.
- (f) A written agreement between the applicant and the charity as required by the Charities Act 1992.
- (g) Declaration of any previous refusals for House to House Collections
- (h) A basic Disclosure Certificate relating to the promoter or the director of the collection company / agent if different (this must be dated within the last six months).
- (i) It must be clear from the application how much the collection beneficiary will receive as part of the collection, the proportion of this as a percentage of the cost of running the collection and a clear set of returns if the organisation has operated collections before.

The statutory reasons why the Council may refuse to grant a permit (or where a permit has been issued may revoke it) if it appears to the authority that:

- a. The total amount likely to be applied for charitable purposes as the result of the collection (including any amount already so applied) is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received);

- b. Remuneration which is excessive in relation to the total amount aforesaid is likely to be, or has been, retained or received out of the proceeds of the collection by any person;
- c. The grant of a Licence would be likely to facilitate the commission of an offence under Section Three of the Vagrancy Act 1824, or that an offence under that section has been committed in connection with the collection;
- d. The applicant or the holder of the Licence is not a fit and proper person to hold a Licence by reason of the fact that he has been convicted in the United Kingdom of any of the relevant offences specified below, or has been convicted in any part of Her Majesty's dominions of any offence conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or of an offence of a kind the commission of which would be likely to be facilitated by the grant of a Licence. The relevant offences referred to above are as follows:
- Offences under sections 47 to 56 of the Offences against the Person Act 1861
 - Robbery, burglary or blackmail
 - Offences in Scotland involving personal violence or lewd, indecent, or libidinous conduct, or dishonest appropriation of property.
 - Offences under the Street Collections Regulation (Scotland) Act 1915
 - Offences under section 5 of the Police, Factories etc. Miscellaneous Provisions) Act 1916
- e. The applicant or the holder of the Licence, in promoting a collection in respect of which a Licence has been granted to him, has failed to exercise due diligence to secure that persons authorised by him to act as collectors for the purposes of the collection were fit and proper persons, to secure compliance on the part of persons so authorised with the provisions of regulations made under this Act, or to prevent prescribed badges or prescribed certificates of authority being obtained by persons other than persons so authorised; or
- f. The applicant or holder of the Licence has refused or neglected to furnish to the Authority such information as they may have reasonably required for the purpose of informing themselves as to any of the matters specified in the foregoing paragraphs. Where a House to House Collection Permit has previously been granted, the Council will ordinarily revoke the permit if it is of the opinion that any of the circumstances listed above subsequently apply.
- g. The proportion allocated to the collection beneficiary must be clearly detailed by the applicant, this includes the calculations that have been used to determine the way that funding is allocated to each party involved in (or benefiting from) the collection.
- h. The Council must be satisfied that the amount to be given to the charity is adequate in relation to the proceeds received.
- i. The cost of collection needs to be taken into account and balanced against the perception of the public that all of the items or money they donate will be given to charity. It is common practice for collectors to be paid by organisations to collect money and products.
- j. When determining the remuneration and whether this is excessive the nature of the business and the overheads should be taken into account and balanced against the amount being given to the charity. The remuneration received by individuals involved in the collection process at all levels, should also be

considered as part of this assessment. It is anticipated that in most cases, the amount allocated to the collection beneficiary should exceed 80% of the total amount collected (i.e. the amount collected before the deduction of any expenses and / or running costs). If no previous returns have been supplied to the Council after previous licensed collections by the same organisation or individual within the Council's area then the application should be refused. In addition, any action taken as a result of not complying with regulations on operating House to House collections would also be grounds for refusal unless there are extenuating circumstances.

If the Council Solicitor, in consultation with the Chair of Licensing Committee, is satisfied that it would be appropriate to issue a permit for a House to House Collection then one will be issued for the times and dates specified on the application.

The Council will issue a "Certificate for the Information of the Stationery Office" under the House to House Collections Act 1939. This document will allow the promoter/collection company/agent/charity to obtain the prescribed badge and prescribed Certificate of Authority (these documents must be carried by all collectors involved in the House to House Collection).

A permit authorising a House to House Collection will not be valid for a period longer than twelve months.

Permits will not be issued retrospectively, therefore a permit must be in place before the collection commences. Collections undertaken without a valid permit (or exemption) will be unlawful and the promoter of such a collection risks prosecution by the Council.

The House Collections Act 1939 and the House to House Collections Regulations 1947 specify the obligations of all those involved in house to house collections.

Key obligations placed on the person / organisation to whom a permit is issued are as follows:

- the necessary written permission has been obtained from the Council;
- no collection must be undertaken in a manner which will inconvenience or annoy any person;
- every collector must wear a standard badge and carry a Certificate of Authority;
- collectors must produce their badge, on demand, to the occupant of any house, any police officer or authorised officer of the Council;
- all collectors must be aged sixteen years or more;
- if a collector is carrying a collecting box, it must be sealed, numbered and clearly display the name of the charity or fund which is to benefit.

The key obligations following a collection are as follows:

- collectors must not be given access to the contents of collection boxes prior to their being returned to the promoter for opening and counting;

- boxes should only be opened in the presence of the promoter and another responsible person. Once the boxes have been opened, the contents should be counted immediately and the amount collected in each box recorded;
- after the collection the promoter must complete a prescribed returns form and return it to the Council within one month of the expiry of the permit. The promoter must certify the return and have it countersigned by a qualified accountant.

There is no fee for this service.

Any applicant that is aggrieved by a decision of the Council may appeal to the Secretary of State within 21 days of being given notice of the decision.

37. Direct Debit Organisations

The activities of Direct Debit Mandate collectors on the street are not regulated by law, and are not therefore subject to licensing provision. However the Council has in place a voluntary code of practice as follows:-

- Only one visit by each direct debit fundraising company per week to each town in the district.
- Only one fundraising direct debit company on the street at any one time.
- No direct debit fundraising companies to visit on the same day and place as a national or local charity street collection.

As the activities of direct debit mandate collectors (so-called "chuggers") are not regulated by the law, and are not therefore subject to any licensing provision. Please make any complaints about their activities to the charity which they represent, the police, the Charity Commission or one of the organisations representing the sector.

38. Notification of Collections

The Licensing Department will provide information on a monthly basis, on its website, of:

1. Street Collection Permits,
2. House to House Licences
3. Direct Debit Mandate Collections

Which have been granted/agreed to both local and national organisations, in order that the public are aware of collections taking place within the district.

39. Other Collections

The following examples are not comprehensive, but are provided to assist fund-raisers and the public.

- **Collections conducted:** entirely within shop premises, or by means of static collection boxes in private premises will not require a street collection permit.

- **Collections made:** adjacent to public thoroughfares (such as in shop doorways), or in premises to which the public have unrestricted access without payment (such as indoor shopping centres) will require a street collection permit.
- **Collections made:** for example, by visiting more than one public house, with landlords' consent, will require a house to house collection licence.

40. Conditions

The Council applies standard conditions to Trading Consents

The standard conditions applied to Street Trading Consents are attached to this Policy at **Appendix 4**.

The standard conditions applied to Mobile Trading Consents are attached to this Policy at **Appendix 5**

The standard conditions applied to Community & Charitable Events and Special Events Trading Consents are attached to this Policy at **Appendix 6**

The Regulations applied to Street Collection Permits are attached to this Policy at **Appendix 7**.

The Regulations applied to Street Collection Permits are attached to this Policy at **Appendix 8**.

These standard conditions are not exhaustive and other conditions may be added to individual consents as required to meet with the criteria of this Policy.

Street Trading may only be carried out from the stall / vehicle / unit authorised under the conditions of the Street Trading Consent.

Mobile Trading may only be carried out from the vehicle authorised under the conditions of the Mobile Trading Consent.

Any changes to or replacement of the approved stall / vehicle / unit must first be approved by the Licensing Authority before such a vessel may be used for the purposes of Street Trading or Mobile Trading who may charge a fee for this

The Councils Licensing Committee may review the condition and may add to, delete or amend the conditions as they see fit.

Specific conditions will also be attached to every Street Trading Consent detailing:

- the days and hours when trading is permitted,
- the goods which may be sold
- the size of the pitch.

Failure to comply with conditions, non-payment of fees or non-attendance may lead to revocation or non-renewal of a Street Trading Consent.

41. Delegations and Licensing Sub-Committee

The Licensing Committee has a duty to recommend and review the Street Trading Policy, and to recommend and review the fees and charges applicable to Consents issued by the Council.

The Licensing Committee agrees and recommends the standard conditions that are attached to the grant of any Street Trading Consent.

A Licensing Sub Committee, comprising of 3 members of the Licensing Committee will determine applications for Street Trading and Mobile Trading Consents, and to review existing Consents should relevant information come to light that would bring into question the suitability of an existing Consent holder or the Consent held

The Licensing Sub-Committee is supported by a Clerk and/or a solicitor. The Licensing Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The person making a reference of an application or an appeal to the Licensing Sub-Committee will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Sub-Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

In their determination, the Licensing Sub-Committee will consider presentations from the person making the objection, reference or appeal, and the Council's Licensing Officer. Either side may use witnesses and/or supporting documentation may be submitted to the Licensing Sub-Committee for consideration.

The Licensing Sub-Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and persons making an objection, reference or appeal. After hearing the evidence presented to it, the Licensing Sub-Committee will retire and come to a decision on the application. When a decision has been reached the Sub-Committee will inform the applicant of their decision, and the reasons for coming to that particular decision.

Where objections have been raised to the granting a Consent the Licensing Sub-Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Sub-Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Licensing Sub-Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will though be given a broad indication of the proximity of the objector's property in relation to the proposed street trading site.

If the objection is from a Nottinghamshire County Council, a Council Ward Member, or a Parish or Town Council the full details of the letter of objection will be sent to the applicant.

The Licensing Sub-Committee will always strive to ensure when it is considering an application that all persons get a proper and fair hearing through:

- Considering each case on its merits.
- Using this Policy to assess applications where it is felt appropriate.
- Dealing with the appeal in a balanced and impartial manner.
- Ensuring that the rules of natural justice are applied in any hearings held.
- Giving a person making an appeal, a reference or an objection sufficient opportunity to present their case, ask questions of officers and members of the Sub-Committee and present information for consideration in support of their appeal or objection.

An applicant will be given 10 days' notice of a Licensing Sub Committee hearing.

The decision of the Licensing Sub-Committee will be confirmed in writing to the applicant within 5 working days of the hearing at which the application was considered.

The Head of Corporate Services, Council Solicitor and Principal Solicitor Licensing & Regulatory are authorised to:

- Issue Street Trading Consents and attach such conditions as are considered reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982.
- Issue House to House Collection Permits under House to House Collections Act 1939
- Issue Street Collection Permits under Police, Factories etc (Miscellaneous Provisions) Act 1916
- Review and (if necessary) suspend or revoke a Street Trading, Mobile Trading Consent or Collection Permit issued where there is evidence that there is immediate risk to public safety.
 - To decide whether a location is suitable to trade and to determine the type of foods and vehicles which may be used according to the area requested. This is as per the resolution of the Bassetlaw District Council on [REDACTED]

The Council Solicitor in consultation with the Chair of Licensing has delegated powers relating to House to House and Street Collections as detailed in sections 35 and 36.

42. Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, regard will be had to the individual circumstances, the Council's policies with regard to enforcement and other national guidance, such as the Crown Prosecutor's Code of Practice.

Consent and Permit Holders are subject to spot checks by the Authorised Officers of the Council at any time.

The Council has the right to revoke a consent or permit at any time. If the holder fails to comply with the relevant conditions of the licence/consent, then this could render it invalid and further trading may result in prosecution

The Council can in no way be held responsible for how a trader's business fares. If the Council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Nottinghamshire Police

The Council may call for assistance from the CCTV centre when dealing with issues relating to Street Trading/collections

The Council 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. If the person refuses, or persistently returns to trade the Council will seek to use the legal powers, available to it to ensure compliance with legislation. This includes, but is not limited to prosecutions and applications for a civil injunction.

The issue of absent traders will be addressed by conditions upon the consent, for example conditions which

- require personal attendance of the holder without the option for someone else to run the business on his behalf
- allow a person to hold only one licence or consent
- restrict whether or not the holder may have an assistant and if so limit the number of assistants
- require the holder to provide notification of his nominated assistant
- require the holder to provide notice of non-attendance to the nominated person (e.g. Licensing Officer).
- require the holder to pay for a pitch if there is no advance notice allow the Licensing Officer to revoke the consent/licence after a three weeks' non-attendance, or sooner if applicable.

Where licensable activities are conducted without the relevant permissions having been granted by the Licensing Authority, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

Appendix 1

MAP OF THE BASSETLAW DISTRICT



Appendix 2

LIST OF PROHIBITED STREET WITHIN THE BASSETLAW DISTRICT

Worksop

Allen Street (for the whole of its length)
Canal Road (for the whole of its length)
Carlton Road (from its junction with Victoria Square up to Worksop Train Station)
Central Avenue (from its junction with Bridge Street to its junction with King Street)
Church Walk (for the whole of its length)
Dock Road (for the whole of its length)
Eastgate (from its junction with Victoria Square to its junction with George Street)
Gateford Road (from its junction with Victoria Square to its junction with Sandy Lane)
Hardy Street (for the whole of its length)
King Street (for the whole of its length)
Newcastle Avenue (from its junction with Bridge Street to its junction with Westgate)
Newcastle Street (for the whole of its length)
Newgate Street (from its junction with Park Street to its junction with Victoria Road)
Potter Street (from its junction with Bridge Street to its junction with adjacent to Westgate)
Ryton Street (for the whole of its length)
Victoria Square
Watson Road (for the whole of its length)
Westgate (for the whole of its length)

Retford

Beardsall Row (for the whole of its length)
Bridgeway (for the whole of its length)
Chapelgate (for the whole of its length – excluding the pedestrianised zone)
Churchgate (for the whole of its length)
Coronation Street (for the whole of its length – excluding the pedestrianised zone)
Exchange Street (from the Junction with Exchange Street to the end of the pedestrianised zone)
Grove Street (from the Junction with Dyers Court to Grove Lane)
New Street (for the whole of its length)
West Street (for the whole of its length – excluding the pedestrianised zone)
Wharf Road (for the whole of its length)

Miscellaneous

A57
A1(M)
A1 Blyth Road
A1 Worksop Road
A1

Appendix 3

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS:

1. When submitting an application for the grant or renewal of a Street Trading Consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or wheresoever arising, which have resulted in neither an absolute discharge nor a conviction or caution.
2. The Licensing Authority's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex- offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by this Authority.
4. Before, the Licensing Authority makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Licensing Authority will in all cases verify the applicant's identity and require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Licensing Authority will consider these carefully on the basis of:-
 - How relevant the offences were to the type of consent applied for
 - The relative gravity of the offences committed and
 - How recent they were
7. The Licensing Authority will consider all unspent convictions with further attention given to criminal offence involving:-
 - Dishonesty
 - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
 - Drugs including cultivation, sale, supply or the recreational use thereof
 - Sexual offence

8. A basic criminal record check is required upon application and thereafter every three years.
9. The Licensing Authority reserve the right to seek intelligence from all 'appropriate sources'.
10. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.
11. Existing holders of a Street Trading Consent will be required to notify the Licensing Authority, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading Consent, does not have the right to appeal beyond the Council. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.
13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.

However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.

NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

As a Street Trading Consent Holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader

For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Rehabilitation of Offenders Act

Other than as stated above in sections 1 to 20 of this appendix, this Licensing Authority will take account of the following tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.

Sentence – Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Sentence – Under 18 when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 3.5 years	(2)
	More than 6 months and less than (or equal to) 30 months	5 years	Sentence + 2 years	(3)
	Less than (or equal to) 6 months	3.5 years	Sentence + 18 months	(4)
Detention and Training Order (over 6 months)		5 years (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Detention and Training Order (6 months or less)		3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Sentence of detention (over 6 months but not exceeding 30 months)		5 years	As prison sentences	(5)
Sentence of detention (6 months or under)		18 months	As prison sentences	
Removal from Her Majesty's service		3.5 years	6 months	(6)
Service detention		2.5 years	6 months	(7)
Community order		2.5 years	6 months	(10)
Youth Rehabilitation Order		Longer of 1 year / end of the order	6 months	(11)
Fine		2.5 years	6 months	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years/ 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Youth caution, warning, reprimand		None	None	(14)

Appendix 4

STANDARD CONDITIONS STREET TRADING CONSENTS

In these Conditions:

- "The Council" means Bassetlaw District Council
 - "Consent Holder" means the holder of the consent to trade.
 - "Your Assistant" means any person or persons who assists the holder of a consent to trade whilst trading under that consent and who has been notified to and approved by the Council.
 - "Assistant" means any person (not being a licence holder trading under the authority of and in accordance with any condition in a Street Trading Consent) who engages in Street Trading on or from a stall which is under the control of a licence holder whether in return for payment or not;
 - "Authorised Officer" Means an officer of Bassetlaw District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
1. No trading to which this Street Trading Consent attached consent relates shall take place other than in accordance with the times and days stated on the Street Trading Consent.
 2. The Consent Holder is responsible for the actions of Assistant(s)
 3. The Consent Holder shall ensure that the stall / vehicle / unit is positioned only in the designated space of the location for which the Street Trading Consent is granted.
 4. Trading shall only be carried out from the stall / vehicle / unit detailed within the application for which this Street Trading Consent is granted.
 - 5.. The Consent Holder shall ensure that the stall / vehicle / unit is kept in a clean, safe and well maintained condition, and be of an appearance acceptable to the Council.
 6. If trading is taking place from a vehicle it shall be maintained in a roadworthy condition, taxed, insured, with a current MOT certificate and fit for purpose. The Consent holder shall produce this documentation upon request from an Authorised Officer of the Council.
 7. The Consent Holder shall conduct the business in such a manner to ensure that:
 - no nuisance is caused to the occupiers of premises / properties in the immediate vicinity;
 - no obstruction is caused to other vehicles or pedestrians by the siting of the stall / vehicle / unit;
 - no danger is caused to occupiers of premises / properties in the immediate vicinity, or to other users of the location of the stall / vehicle / unit.

8. The Consent Holder shall provide customers with a means of disposal for any litter associated with the sales of goods from the stall / vehicle / unit.
9. The Consent Holder shall ensure that the trading location is left clear of refuse at the completion of trading each day; and that the area in the immediate vicinity of the stall/ vehicle / unit is kept clear of all refuse originating from their trade at all times.
10. The Consent Holder shall ensure that all waste originating from their trade is disposed of responsibly and in an environmentally-friendly manner.
11. The Consent Holder shall not provide any facilities such as tables or seating (either internally or externally) without having first sought the permission of the Council. Should the provision of tables and seating be likely to result in a nuisance or annoyance to those occupiers of premises and properties in the immediate vicinity or present a danger to the users of the street, such permission will not be granted, or any previous permission will be rescinded. A pavement café licence may be required.
12. The Consent Holder shall seek the approval of the Council prior to affixing any signage, livery or and advertisements to the stall / vehicle / unit.
13. The Consent Holder shall notify the Council of any proposed changes to be made to the stall / vehicle / unit to which the Street Trading Consent is granted, and shall not undertake such changes until the Council has first approved the proposals.
14. The Consent Holder shall notify the Council of any proposed replacement stall / vehicle / unit to which the Street Trading Consent is granted, and shall not replace the existing stall / vehicle / unit until the Council has first approved the proposed replacement stall / vehicle / unit.
15. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force; in particular the requirements of the Health & Safety at Work Act 1974, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990.
16. The Consent Holder shall observe, perform and comply with all relevant statute law, common law and byelaw provisions, including Road Traffic Regulation Orders made by the Highway Authority.
17. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
18. Food business registered outside the Council's jurisdiction must be able to demonstrate they hold a food business registration (e.g. by written confirmation from the relevant local authority or by providing a copy of their latest inspection report. Any changes in registration details must be communicated to the Licensing Department within 7 days.

19. Food businesses must achieve and maintain a minimum Food Hygiene Rating of 3 – Generally Satisfactory.
20. The Consent Holder shall take adequate precautions to prevent the risk of fire at the stall / vehicle / unit. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
21. The Consent Holder shall ensure that where the stall / vehicle / unit has a 230 volt electrical system that an up to date annual electrical safety certificate is in force.
22. The Consent Holder shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
23. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and services as per manufactures instructions. Gas appliances and systems must be checked annually for safety by a competent Gas Safe engineer. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer. The Consent Holder shall produce, within 24 hours, to an Authorised Officer of the Council or Nottinghamshire Police documentation relating to the gas appliances on the stall/vehicle
24. The use of generators is prohibited
25. The Consent Holder shall ensure that a first aid kit is maintained on the stall / vehicle / unit and made available to any customers injured by the activities of the business operation.
26. The Consent Holder shall notify the Council as to the identity of any Assistant or person employed to operate or work at his / her stall / vehicle / unit and they will be issued with an Identification Badge.
27. The Consent Holder shall not sub-let his / her stall / vehicle / unit to another person.
28. No animal, other than Assistance Dogs, shall be present on any stall or vehicle
29. The Consent Holder shall ensure that the Street Trading Consent issued by the Council is clearly displayed within the stall / vehicle / unit when trading, and is to be produced on demand to any Authorised Officer.
30. The Consent Holder shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the holders' stall / vehicle / unit and any additional equipment under their control. The consent holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
31. The Consent Holder shall indemnify the Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of

the Council) and shall maintain a public liability insurance policy with a limit of indemnity of up to £5,000,000 for any one incident.

32. The Consent Holder shall ensure that, where applicable, they have written permission of the landholder from whose land they intend to trade from before a consent will be given.
33. The Consent Holder shall write to the Council giving details of the new home address or new address of the registered office within seven days of moving or the new home address of any Assistant
34. No person aged 17 years and under shall engage or be employed in street trading
35. The Consent Holder shall comply with the reasonable requests of an Authorised Officer of the Council, an Officer of Nottinghamshire Police or a duly authorised officer of Nottinghamshire County Council to take such action as is considered necessary to abate any nuisance or obstruction.
36. The stall / vehicle / unit must be mobile and should be removed from the highway or trading area out of permitted trading hours
37. The use of use any amplified music and/or musical instruments is prohibited
38. Within 7 days the Consent Holder or an Assistant shall write to the Council giving full details of:
 - a. any offence(s),
 - b. any caution(s)
 - c. any fixed penalty notice(s) imposed/issued to the them or any person employed to operate or work at his / her stall / vehicle / unit.
39. This consent and any identification badge issued by the Council must not be altered, defaced or tampered with in any way.
40. Non attendance at the pitch for a period of three weeks, without authorisation from the Council, will result in the revocation of the licence
41. The Consent Holder shall:-
 - a. at all times while engaging in Street Trading, have in his possession his Street Trading Consent, as issued by the Council
 - b. at all times while engaging in Street Trading, carry about his/her person the identification badge issued by the Council;
42. An Assistant shall at all times while engaging in Street Trading, carry about his/her person the identification badge issued by the Council;
43. The Consent Holder shall understand that any failure to comply with the conditions and permitted trading hours attached to the Street Trading Consent may result in the Street Trading Consent being revoked.

Note:

The licence holder's attention is drawn to Schedule 4 of the Local Government (Miscellaneous Provisions) Act which provides that failure to comply with the above conditions could lead to revocation of this licence and would be taken into account in considering any application for renewal. Contravention of any of the principal terms of this licence constitutes an offence.

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Appendix 4:

STANDARD CONDITIONS: MOBILE TRADING CONSENTS

- "The Council" means Bassetlaw District Council
 - "Consent Holder" means the holder of the consent to trade.
 - "Your Assistant" means any person or persons who assists the holder of a consent to trade whilst trading under that consent and who has been notified to and approved by the Council.
 - "Assistant" means any person (not being a licence holder trading under the authority of and in accordance with any condition in a Street Trading Consent) who engages in Street Trading on or from a stall which is under the control of a licence holder whether in return for payment or not;
 - "Authorised Officer" Means an officer of Bassetlaw District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
1. No trading to which this Mobile Trading Consent relates shall take place other than in accordance with the times, days and locations stated on the Mobile Trading Consent.
 2. No trading to which this Mobile Trading Consent relates shall take place other than from the permitted vehicle stated on the Mobile Trading Consent.
 3. The Consent Holder is responsible for the actions of Assistant(s)
 4. The Consent Holder shall ensure that when carrying out the trading activities permitted on the Mobile Trading Consent that:
 - The vehicle shall not wait in one location for more than sixty minutes.
 - The vehicle shall move at least 50 metres from the last trading location and shall not return to that location within four hours.
 - The vehicle shall move from location to location within the permitted area.
 - The vehicle shall not trade or park within 100 metres of any entrance to any educational establishment, unless a prior formal invitation has been issued by the educational establishment.
 5. The Consent Holder shall ensure that the vehicle is kept in a clean, safe and well-maintained condition, and be of an appearance acceptable to the Council.
 6. The Consent Holder shall conduct the business in such a manner to ensure that:
 - no nuisance is caused to the occupiers of premises / properties in the immediate vicinity;
 - no obstruction is caused to other vehicles or pedestrians by the siting of the vehicle;
 - no danger is caused to occupiers of premises / properties in the immediate vicinity, or to other users of the location of the vehicle.
 7. The Consent Holder shall provide customers with a means of disposal for any litter associated with the sales of goods from the vehicle.

8. The Consent Holder shall ensure that all waste originating from their trade is disposed of responsibly and in an environmentally-friendly manner.
9. The Consent Holder shall seek the approval of the Council prior to affixing any signage, livery or and advertisements to the vehicle.
10. The Consent Holders vehicle be taxed, insured, with a current MOT certificate and fit for purpose.
11. The Consent Holder shall notify the Council of any proposed changes to be made to the vehicle to which the Mobile Trading Consent is granted, and shall not undertake such changes until the Council has first approved the proposals.
12. The Consent Holder shall notify the Council of any proposed replacement vehicle to which the Mobile Trading Consent is granted, and shall not replace the existing vehicle until the Council has first approved the proposed replacement vehicle.
13. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force; in particular the requirements of the Health & Safety at Work Act 1974, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990.
14. The Consent Holder shall observe, perform and comply with all relevant statute law, common law and byelaw provisions, including Road Traffic Regulation Orders made by the Highway Authority.
13. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal institute of Public Health and Hygiene.
15. Food business registered outside the Council's jurisdiction must be able to demonstrate they hold a food business registration (e.g. by written confirmation from the relevant local authority or by providing a copy of their latest inspection report. Any changes in registration details must be communicated to the Licensing Department within 7 days.
16. Food businesses must achieve and maintain a minimum Food Hygiene Rating of 3 – Generally Satisfactory.
17. The Consent Holder shall take adequate precautions to prevent the risk of fire in the vehicle. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
18. The Consent Holder shall ensure that where the vehicle has a 230 volt electrical system that an up to date annual electrical safety certificate is in force.
19. The Consent Holder shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.

20. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and services as per manufactures instructions. Gas appliances and systems must be checked annually for safety by a competent Gas Safe engineer. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer. The Consent Holder shall produce, within 24 hours, to an Authorised Officer of the Council or Nottinghamshire Police documentation relating to the gas appliances on the stall/vehicle
21. The use of generators is prohibited
22. The Consent Holder shall ensure that a first aid kit is maintained in the vehicle to treat any customers injured by the activities of the business operation.
23. The Consent Holder shall notify the Council as to the identity of any Assistant or person employed to operate or work at his / her stall / vehicle / unit.
24. The Consent Holder shall not sub-let his / her vehicle to another person.

No animal, other than Assistance Dogs, shall be present on any stall or vehicle
25. The Consent Holder shall ensure that the Mobile Trading Consent issued by the Council is clearly displayed within the vehicle when trading, and is to be produced on demand to any Authorised Officer.
26. The Consent Holder shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the holders' stall / vehicle / unit and any additional equipment under their control. The consent holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
27. The Consent Holder shall indemnify the Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall maintain a public liability insurance policy with a limit of indemnity of up to £5,000,000 for any one incident.
28. The Consent Holder or an Assistant shall write to the Council giving details of the new home address or new address of the registered office within seven days of moving
29. No person aged 17 years and under shall engage or be employed in street trading
30. The Consent Holder shall comply with the reasonable requests of an Authorised Officer of the Council, an Officer of Nottinghamshire Police or a duly authorised officer of Nottinghamshire County Council to take such action as is considered necessary to abate any nuisance or obstruction.

31. The Street Trading Consent must be displayed in a prominent position/place on the vehicle at all times so that members of the public can see it during business hours.
32. Any vehicle identification plates issued by the Council must be affixed to the rear of the vehicle at all time when Street Trading is taking place. These plates remain the property of the Council.
33. Within 7 days the consent holder or an assistant shall write to Bassetlaw District Council giving full details of:
 - a. any offence(s),
 - b. any caution(s)
 - c. any fixed penalty notice(s) imposed/issued to the them or any person employed to operate or work at his / her stall / vehicle / unit.
34. The Consent Holder shall understand that any failure to comply with the conditions attached to the Mobile Trading Consent may result in the Mobile Trading Consent being revoked.
35. This consent and any deification plate issued by the Council must not be altered, defaced or tampered with in any way.
36. The Consent Holder shall:-
 - a. at all times while engaging in Street Trading, have in his possession his Street Trading Consent, as issued by the Council
 - b. at all times while engaging in Street Trading, carry about his/her person the Identification badge issued by the Council;
37. The Consent Holder shall understand that should evidence be obtained that trading has occurred outside of the times and days permitted, or at locations within the District not listed on the Mobile Trading Consent that he / she may be prosecuted for committing an offence.

Note:

The licence holder's attention is drawn to Schedule 4 of the Local Government (Miscellaneous Provisions) Act which provides that failure to comply with the above conditions could lead to revocation of this licence and would be taken into account in considering any application for renewal. Contravention of any of the principal terms of this licence constitutes an offence.

Appendix 5

COMMUNITY AND CHAIRTY EVENTS AND STANDARD CONDITIONS STREET TRADING CONSENTS

In these Conditions:

- "The Council" means Bassetlaw District Council
 - "Event Organiser" means the holder of the consent to trade.
 - "Your Assistant" means any person or persons who assists the holder of a consent to trade whilst trading under that consent and who has been notified to and approved by the Council.
 - ;
 - "Assistant" means any person (not being a licence holder trading under the authority of and in accordance with any condition in a Street Trading Consent) who engages in Street Trading on or from a stall which is under the control of a licence holder whether in return for payment or not;
 - "Authorised Officer" Means an officer of Bassetlaw District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
1. The event shall only take place in accordance with the times and days stated on the Street Trading Consent.
 2. Event Organiser is responsible for compliance with these conditions
 4. Trading shall only be carried out from the stall(s) / vehicle(s) / unit(s) detailed within the application for which this Street Trading Consent is granted.
 7. The Event Organiser shall conduct the event in such a manner to ensure that:
 - no nuisance is caused to the occupiers of premises / properties in the immediate vicinity;
 - no obstruction is caused to other vehicles or pedestrians by the siting of the stall / vehicle / unit;
 - no danger is caused to occupiers of premises / properties in the immediate vicinity, or to other users of the location of the stall / vehicle / unit.
 8. The Event Organiser shall provide a means of disposal for any litter associated with the sales of goods from the stall / vehicle / unit at the event.
 9. The Event Organiser shall ensure that the location the event is held is left clear of refuse at the completion the event
 10. The Event Organiser shall notify the Council of any proposed changes to be made to any stall / vehicle / unit at the event and shall not undertake such make changes/substitutions/additions until the Council has first approved the proposals.
 11. The Event Organiser shall comply with all statutes, statutory instruments and byelaws currently in force; in particular the requirements of the Health & Safety at

Work Act 1974, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990.

12. The Event Organiser shall observe, perform and comply with all relevant statute law, common law and byelaw provisions, including Road Traffic Regulation Orders made by the Highway Authority.
13. All food traders, at the event, involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
14. Food business registered outside the Council's jurisdiction must be able to demonstrate they hold a food business registration (e.g. by written confirmation from the relevant local authority or by providing a copy of their latest inspection report).
15. Food businesses must achieve and maintain a minimum Food Hygiene Rating of 3 – Generally Satisfactory.
16. The Event Organiser shall take adequate precautions to prevent the risk of fire at the event.
17. The Event Organiser shall ensure that where any stall / vehicle / unit has a 230 volt electrical system that an up to date annual electrical safety certificate is in force.
18. The Event Organiser shall ensure that where a stall / vehicle / unit gas cylinders are used that an up to date annual gas safety certificate is in force.
19. The Event Organiser shall ensure that there is first aid provision at the event.
20. The Consent Holder shall ensure that the Street Trading Consent issued by the Council is available at the event and shall be produced on demand to any Authorised Officer of the Council.
21. The Event Organiser shall have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover shall be £5,000,000 and shall cover the holders' stall / vehicle / unit and any additional equipment under their control. The consent holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
22. The Event Organiser shall indemnify the Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall maintain a public liability insurance policy with a limit of indemnity of up to £5,000,000 for any one incident.

23. The Event Organiser shall ensure that, where applicable, they have written permission of the landholder from whose land they intend to trade from before a consent will be given.
24. No person aged 17 years and under shall engage or be employed in street trading
25. The Event Organiser shall comply with the reasonable requests of an Authorised Officer of the Council, an Officer of Nottinghamshire Police or a duly authorised officer of Nottinghamshire County Council to take such action as is considered necessary to abate any nuisance or obstruction.
26. The use of use any amplified music and/or musical instruments is prohibited
27. This Street Trading Consent issued by the Council must not be altered, defaced or tampered with in any way.
28. The Event Organiser shall understand that any failure to comply with the conditions and permitted trading hours attached to the Street Trading Consent may result in the Street Trading Consent being revoked.

Note:

The licence holder's attention is drawn to Schedule 4 of the Local Government (Miscellaneous Provisions) Act which provides that failure to comply with the above conditions could lead to revocation of this licence and would be taken into account in considering any application for renewal. Contravention of any of the principal terms of this licence constitutes an offence.

Appendix 6

Appendix 7

STREET COLLECTION REGULATIONS

1. In these Regulations, unless the context otherwise requires -

"collection" means a collection of money or a sale of articles for the benefit of charitable or other purposes and the word "collector" shall be construed accordingly;

"promoter" means a person who causes others to act as collectors; "the licensing authority" means Bassetlaw District Council; "permit" means a permit for collection;

"contributor" means a person who contributes to a collection and includes a purchaser of articles for the sale for the benefit of charitable or other purposes;

"collecting box" means a box or other receptacle for the reception of money from contributors.

2. No collection, other than a collection taken at a meeting in the open air, shall be made in any street or public place within Bassetlaw, unless a promoter shall have obtained from the licensing authority a permit.

3. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection:

Provided that the licensing authority may reduce the period of one month if satisfied that there are special reasons for so doing.

4. No collection shall be made except upon the day and between the hours stated in the permit.

5. The licensing authority may, in granting a permit, limit the collection to such streets or public places or such parts thereof as it thinks fit.

6. (1) No person may assist or take part in any collection without the written authority of a promoter.

(2) Any person authorised under paragraph (1) above shall produce such written authority forthwith for inspection on being requested

to do so by a duly authorised officer of the licensing authority or any Constable.

7. No collection shall be made in any part of the carriageway of any street which has a footway:

Provided that the licensing authority may, if it thinks fit, allow a collection to take place on the said carriageway where such collection has been authorised to be held in connection with a procession.

8. No collection shall be made in a manner likely to inconvenience or annoy any person.
9. No collector shall importune any person to the annoyance of such person.

10. While collecting -

- (a) a collector shall remain stationary; and
- (b) a collector or two collectors together shall not be nearer to another collector than 25 metres:

Provided that the licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection which has been authorised to be held in connection with a procession.

11. No promoter, collector or person who is otherwise connected with a collection shall permit a person under the age of sixteen years to act as a collector.

12. (1) Every collector shall carry a collecting box.
- (2) All collecting boxes shall be numbered consecutively and shall be securely closed and sealed in such a way as to prevent them being opened without the seal being broken.
- (3) All money received by a collector from contributors shall immediately be placed in a collecting box.
- (4) Every collector shall deliver, unopened, all collecting boxes in his/her possession to a promoter.

13. A collector shall not carry or use any collecting box, receptacle or tray which does not bear displayed prominently thereon, the name of the charity or fund which is to benefit nor any collecting box which is not duly numbered.

14. (1) Subject to paragraph (2) below a collecting box shall be opened in the presence of a promoter and another responsible person.

- (2) Where a collecting box is delivered, unopened, to a bank it may be opened by an official of the bank.
 - (3) As soon as a -collecting box- has -been-opened the person opening it shall count the contents and shall enter the amount with the number of the collecting box on a list which shall be certified by that person.
15.
 - (1) No payment shall be made to any collector.
 - (2) No payment shall be made out of the proceeds of a collection, either directly or indirectly, to any other person connected with the promotion or conduct of such collection for, or in respect of, services connected therewith, except such payments as may have been approved by the licensing authority.
16.
 - (1) Within one month after the date of any collection, the person to whom a permit has been granted shall forward to the licensing authority –
 - (a) A statement in the form set out in the Schedule to these Regulations, or in a form to like effect, showing the amount received and the expenses and payments incurred in connection with such collection and certified by that person and a qualified accountant;
 - (b) A list of the collectors
 - (c) A list of the amounts contained in each collecting box;

And shall, if required by the licensing authority, satisfy it as to the proper application of the proceeds of the collection.

- (2) The said person shall also, within the same period, at the expense of that person and after a qualified accountant has given his certificate under paragraph (1)(a) above, publish in such newspaper or newspapers as the licensing authority may direct, a statement showing the name of the person to whom the permit has been granted, the area to which the permit relates, the name of the charity or fund to benefit, the date of the collection, the amount collected and the amount of the expenses and payments incurred in connection with such collection.
 - (3) The licensing authority may, if satisfied there are special reasons for doing so, extend the period of one month referred to in paragraph (1) above.
 - (4) For the purposes of this Regulation “a qualified accountant” means a member of one or more of the following bodies:-

The Institute of Chartered Accountants in England and Wales;
The Institute of Chartered Accountants of Scotland;
The Association of Certified Accountants;
The Institute of Chartered Accountants in Ireland.

- 17 These regulations shall not apply –**
- (a) in respect of a collection taken at a meeting in the open air;
or**
 - (b) to the selling of articles in any street or public place when
the articles are sold in the ordinary course of trade.**
- 18. Any person who acts in contravention of any of the foregoing regulations
shall be liable on summary conviction to a fine not exceeding fifty
pounds.**

STREET COLLECTIONS SCHEDULE FORM OF STATEMENT

Form of Account of Expenses, Proceeds and Application of Collection of Money

Complete and return by email to licensing@bassetlaw.gov.uk

SECTION A: DETAILS:		
1	Name of charity or fund which is to benefit:	Click or tap here to enter text.
2	Start date of collection or sale D/M/Y	Click or tap here to enter text.
3	Name of person to whom permit was granted:	Click or tap here to enter text.
4	Address of person to whom permit was granted:	Click or tap here to enter text.
5	Telephone number/s of person to whom permit was granted:	Click or tap here to enter text.
6	Email of person to whom permit was granted:	Click or tap here to enter text.

SECTION B: MONETARY INFORMATION:					
GROSS PROCEEDS OF COLLECTION			GROSS EXPENSES AND APPLICATION OF PROCEEDS		
	£	p		£	P
From Street Collection or Sale			Printing and stationery		
From other sources			Postage		
Bank Interest (if any)			Advertising		
Other items (if any)			Collecting boxes and Carriage		
			Badges or other adornments		
			Other items (if any)		
			Payments approved under Regulation 145 (2) (insert particulars) Click or tap here to enter text.		
			Disposal of Balance (insert particulars) Click or tap here to enter text.		
TOTAL			TOTAL		

CERTIFICATE FOR WHOM THE PERMIT WAS GRANTED:

I certify that to the best of my knowledge and belief, the above is true account of the expenses, proceeds and application of the proceeds for the collection to which it relates.

Signature (please type or use an electronic signature):

Print Name:

Date:

CERTIFICATE OF AUDITOR: Certificate of Accountant or other responsible person

I certify I have obtained all the information and explanations required by me as auditor and the above is, in my opinion, a true account of the expenses, proceeds and application of the proceeds for the collection to which it relates.

Signature (please type or use an electronic signature):

Print Name:

Date:

Please read the Privacy Statement below:

Bassetlaw District Council takes your privacy very seriously and provides the following information in compliance with Data Protection Legislation. Under data protection legislation we lawfully process your personal information as a public authority which may involve sharing your information with other regulatory authorities.

Any data received, as a result of the registration of a food business, will be retained for the period of your involvement with the business and for a period of 7 years once this involvement ceases. We may need to share your information with other service providers and other departments within Bassetlaw District Council takes to ensure the best possible service.

Under data protection law you have the right to request access to, rectification, restriction, or objection to the processing of your personal data, as detailed in our Privacy Policy (on our website). You can contact our Data Protection Officer at DPO@bassetlaw.gov.uk. You also have the right to lodge a complaint with the regulator, the Information Commissioner's Office.

[Third party processing](#)

Please note, the information supplied may also be shared with Nottinghamshire County Council Trading Standards, Bassetlaw District Council takes Business Rates Department and Nottinghamshire Police. Such information may be provided to assist them in carrying out their normal duties, or to assist/inform them of an issue that presents a risk to public health and or the prevention and detection of crime.

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Appendix 8 – HOUSE TO HOUSE COLLECTION REGULATIONS

House to House Collections Regulations 1947 (as amended)

The above Act and the Regulations made thereunder contain important provisions for THE REGULATION OF HOUSE TO HOUSE COLLECTIONS FOR CHARITABLE PURPOSES and prescribe FINES AND/OR IMPRISONMENT for offences against the Act or the Regulations.

Except in the cases specified in Paragraphs 3 and 4:-

No collection in any locality for a charitable purpose may be made unless the promoter is licensed by the Licensing Authority for the area comprising that locality, and the collectors are authorised by the promoter.

Application for a licence must be made in the prescribed manner. The Licensing Authority cannot grant a licence for a period longer than twelve months and may refuse a licence, or where granted, may revoke it, in circumstances specified in the Act.

There is a right of Appeal to the Secretary of State against the refusal or the revocation of a licence, within fourteen days from the date on which notice is given of the refusal or the revocation.

Where the Secretary of State is satisfied that a person pursues a charitable purpose throughout the whole, or a substantial part, of England and Wales, and is desirous of promoting collections for that purpose, the Secretary of State may by Order direct, in effect, that such person shall be exempt from the requirement to obtain licences from the Licensing Authority, as respects all collections for that purpose in such localities as may be described in the Order.

If the Chief Constable for the Police Area comprising a locality in which a collection for a charitable purpose is being, or proposed to be, made is satisfied that the purpose is local in character, and that the collection is likely to be completed within a short period, he may grant to the person who appears to him to be principally concerned in the promotion of the collection a Certificate in the prescribed form: and where a Certificate is so granted, a Licence from the Licensing Authority is not required, and the provisions of the Regulations (as to which see paragraph 5 below) shall not apply to a collection made in conformity with such Certificate.

Regulations have been made the Secretary of State under the Act. The Regulations include the following, amongst other provisions -

- (a) 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 with the Regulations.
- (b) 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
 - a prescribed Badge
 - If money is to be collected, a Collecting Box marked, or a receipt book (with receipts and counterfoils or duplicates consecutively numbered) marked on every receipt, with a general indication of the purpose of the collection, and a distinguishing number.
- (a) In the case of a collection in respect of which a Licence has been granted, every prescribed Certificate of Authority shall be given on a form obtained from HM Stationery Office, and every prescribed Badge shall be so obtained.
- (b) No person under the age of 16 years, shall act or be authorised to act as a collector of money.
- (c) No collector shall importune any person to the annoyance of such person, or remain in, or at the door of, any house if requested to leave by any occupant thereof.
- (d) 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.

DEFINITIONS

“Charitable Purpose” means any charitable, benevolent, or philanthropic purpose.

“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.

“House” includes a place of business.

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

“Promoter” means a person who causes others to act as collectors for the purposes of the collection.

Bassetlaw District Council

Licensing Committee

17 January 2024

Report of Council Solicitor

Amendments to Business and Planning Act 2020

Cabinet Member: Corporate & Financial
Services
Contact: Stella Bacon

1. Public Interest Test

1.1 The author of this report Stella Bacon has determined that the report is not confidential.

2. Purpose of the Report

2.1 On 31 March 2024 the Department for Levelling Up, Housing & Communities announced new provisions and guidance to the Business & Planning Act 2020. Applications under the Act will be processed by District and Borough Councils in two tier local authority areas.

2.2 The Act sets out the process that must be followed in relation to processing an application. To simplify, an application must contain information set out in the Act, including specifying the area of land, the type of equipment to be placed on it, and the days it will be used. Once the information is submitted to the local authority, the authority has 14 days from the day after the application is made to determine the application. It must also consult the Highways Authority and any other person it considers to be appropriate before determining the application. The entire process consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation period.

2.3 If a determination is not made within these timescales then the licence is deemed to be granted for two years.

2.4 Following the announcement it was confirmed that as of 31 March 2024 the act is now permanent.

3. Background and Discussion

3.1 Further to the direction of Department for Levelling Up, Housing & Communities the following changes were introduced:

3.1.1 The Fee cap has been increased to £500 for a new application and £350 for a renewal application.

3.1.2 The 5 Day consultation and 5 Day determination periods have both been increased to 14 Days.

3.1.3 The duration of a licence has been changed to a maximum of 2 years.

- 3.1.4 New enforcement powers have been granted to local authorities.
- 3.3 Additional smaller changes have been made.
- 3.4 A copy of the notice can be found at **Appendix A**.
- 3.5 A copy of the guidance for Pavement Licences can be found at **Appendix B**.
- 3.6 On 29 July 2020 the members agreed that :
 - 3.6.1 Administering the new system was clearly a licensing task and sat most naturally within the Council's Licensing team.
 - 3.6.2 It was proposed that the new systems, processes and forms required to operate this new type of license were developed and finalised by the Licensing Teams, under authority delegated to the Council Solicitor and Principal Solicitor (Licensing & Regulatory). Those forms and processes were developed in consultation with Licensing teams across the County.
 - 3.6.3 As part of the process the Council is required to consult with Highways Authority. The Council also proposed to consult additional bodies, which will include the Police and the Council's Environmental Health, Community Safety, Planning and Economic Development teams.
- 3.7 In addition, in order to enable this provision to work effectively and efficiently it was necessary for officers to obtain delegated authority to issue or refuse licences and to undertake enforcement actions. Whilst there is no statutory route to appeal decisions made in respect of pavement licences, it is considered that the Council should have a mechanism to review decisions if an Applicant requests this. The recommendation was therefore that any review would be undertaken by a Licensing Panel consisting of three members of the Council's licensing committee.
- 3.6 Currently the Temporary Pavement Licence Fee is £100 and is valid for a maximum of 12 months ending 30th September each year regardless of when it is granted.
- 3.7 On average a Pavement Licence from receipt of application to grant of licence takes 4 Administration Officer Hours, 6 Licensing Officer Hours, and 4 Enforcement Officer Hours.
- 3.8 It is expected that if the duration of the licence is increased to 2 years from the date of grant the Enforcement officer hours will only increase slightly.
- 3.9 To keep costs down, we recommend that we only consult with ward members if there is a legitimate concern.
- 3.10 As the Act is now in force it is crucial that appropriate arrangements are made to enable the Council to immediately deal with any applications under the new legislation.

4. Implications

- a) For service users
None
- b) Strategic & Policy
None

- c) Financial - Ref: 25/513

Implementation of a new scheme of fees and charges will have to be approved by Licensing Committee who have delegated authority to set licensing fees and charges.

Fees will be set and reviewed annually on a full cost recovery basis.

The level of fees will take into account the administrative costs associated with the consideration of applications, the issue and administration of the Licence, and the costs associated with compliance checks carried out by the Licensing Authority to ensure that applicants operate in accordance with the conditions of their Licence.

- c) Legal – Ref: 013/04/2024

As contained in the report

- e) Human Resources

None

- f) Community Safety, Equalities, Environmental

- g) General Data Protection Regulations

None

- h) Whether this is a key decision, and if so the reference number

Not a key decision

5. Options, Risks and Reasons for Recommendations

- 5.1 This is a now a permanent statutory function for the Council and a process must be agreed for determination of applications received. There is discretion offered to Councils as to whether, and at what level, to set the fee for determination of such applications.

6. Recommendations

- 6.1 Members are asked to consider increasing the duration of the Pavement Licence to 2 Years from the date of issue and to implement a new scheme of fees and charges to cover the costs associated with the administration, consideration and compliance checks of Pavement Licences granted under the Business and planning Act 2020.

Background Papers
Legislation

Location
Legal Department

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Department for Levelling Up,
Housing & Communities

Marsham Street
London
SW1P 4DF
pavementlicensing@levellingup.gov.uk

All Chief Executives of
local authorities in England

2 April 2024

Dear Chief Executive,

**PERMANENT PAVEMENT LICENSING REGIME
LEVELLING UP AND REGENERATION ACT 2023 COMMENCEMENT**

On 31 March 2024, we commenced the pavement licensing provisions laid out in the Levelling Up and Regeneration Act 2023. The provisions introduce a permanent pavement licensing regime in England to replace the temporary provisions introduced by the Business and Planning Act 2020. This permanent regime retains the key features of the 2020 regime, intended to streamline processing and reduce costs, but also incorporates some changes, outlined below, to ensure the long-term sustainability of the model.

Amendments set out in the LURA 2023

The LURA introduces several new pavement licensing provisions:

Firstly, the fee cap for a pavement licence application is increasing. It will no longer be capped at £100 but instead be capped at £500 for first time applications and £350 for renewal applications, subject to each local authority deciding the level of fee up to the cap. The increase and fee cap intend to balance both local authority and business interests. This increase in fee cap is intended to allow local authorities to recover the costs of processing, monitoring and enforcing licences.

Under the permanent regime, local authorities will now also be able to grant pavement licences for a length of their choosing up to a maximum of two years. As set out in the updated guidance, we encourage local authorities to grant businesses the maximum two years unless there is a good reason to do otherwise.

The 7-day consultation and 7-day determination periods provided under the temporary regime, will be extended to 14 days for each. This change has been made to reflect asks from local authorities to have a reasonable time to process applications; while balancing

businesses' need for a quick determination; and the need of members of local communities, particularly those with disabilities, to have a sufficient time to input, in mind.

Finally, the new pavement licensing provisions under the LURA 2023 grants local authorities' new enforcement powers. From the commencement date, local authorities will now, with the consent of the licence-holder, be able to amend the licence in certain circumstances. Local authorities will also be able to give notice to businesses who have placed furniture on the relevant highway without the required licence. If furniture continues to be placed on the highway, in contravention of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture, and refuse to return the furniture until those costs have been paid. If within three months of the notice being served, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

Additional smaller changes in the guidance

Along with the amendments to the pavement licensing regime under the LURA 2023, we have made several minor changes to the guidance to clarify certain points within it and make it more comprehensive and considerate of the various groups affected by the regime.

We have clarified section 4.1 of the guidance, which sets out what local authorities, when considering the needs of disabled people, should assess when they set conditions, determine applications, and consider whether enforcement action is required. The previous guidance interpretation [Inclusive Mobility](#) was misleading. New guidance makes clear that under normal circumstances a width of 2000mm is the minimum that should be provided. In cases where this is not possible, a width of 1500mm could be regarded as the minimum acceptable distance. Though, local authorities should take a proportionate approach when measuring this.

In addition to this change we have also flagged that when considering the no obstruction condition licencing offices should be mindful of the cumulative impact of multiple pavement licences and the potential impact this could have on disabled pavement users.

Following feedback, we have provided more clarity on which types of furniture are permissible under this pavement licensing regime. Licences granted under this provision are exclusively for the use of furniture pertaining to the consumption of food and drinks, for example, tables and chairs. Other furniture, such as advertising boards, are not included. This furniture must be removeable.

Transitional Arrangements

The new pavement licensing provisions came into effect on 31 March 2024. Along with the renewals process introduced under the new regime, there are transitional arrangements in place to ensure the transition from the temporary regime to the permanent one is a smooth one for the entire sector.

Existing licence-holders can retain their licences granted under the temporary regime until the expiration date on their licence. After these existing licences expire, on or after 31 March 2024, businesses can reapply under the renewals process and be charged up to the

maximum renewal fee of £350, subject to the local authority deciding the level of fee up to the cap.

Existing licences with no fixed end date will be extended for two years from the commencement date and licences that were deemed to be granted due to the local authority not being able to determine the application on time, will also be extended for two years from the commencement date.

Applications submitted to the local authority on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to some of the arrangements of the temporary regime, namely the 7-day consultation and 7-day determination periods and the up to £100 application fee. However, they will benefit from the new maximum duration of up to two years.

Applications determined before 31 March 2024, will be subject to the new enforcement power under the permanent regime, which grants authorities the power to amend the licence in certain circumstances with the licence-holder's consent.

You can access the updated guidance, which outlines the changes and transitional arrangements, [here](#).

For any queries, do reach out to pavementlicensing@levellingup.gov.uk.

Kind Regards,

Ruby Thompson,
Deputy Director of Planning Policy and Reform.

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[Home](#) > [Housing, local and community](#) > [Planning and building](#)
> [Planning system](#) > [Pavement licences: guidance](#)

[Department for
Levelling Up,
Housing &
Communities](#)

[Ministry of
Housing,
Communities &
Local Government](#)

Guidance

Guidance: pavement licences (outdoor seating)

Updated 2 April 2024

Applies to England

Contents

- [1. Pavement licences](#)
- [2. Duration](#)
- [3. Applications](#)
- [4. National conditions](#)
- [5. Determining the application](#)
- [6. Consultation](#)
- [7. Enforcement](#)
- [8. Annex](#)



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This publication is available at <https://www.gov.uk/government/publications/pavement-licences-draft-guidance/draft-guidance-pavement-licences-outdoor-seating-proposal>

1. Pavement licences

1.1 What is a pavement licence?

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes. The Levelling Up and Regeneration Act 2023 makes permanent the provisions set out in the Business and Planning Act (BPA) 2020 that streamlined the process to allow businesses to secure these licences quickly. Licences that are deemed to have been granted, should remain in place for such period as the local authority may specify in the licence, with a maximum limit of two years. Existing licences with no end date are extended to 2 years from the commencement date. Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

1.2 What is the purpose of the Business and Planning Act 2020 process for pavement licences?

The Business and Planning Act process provides a streamlined and cheaper route for businesses such as cafes, restaurants, and bars to secure a licence to place furniture on the highway. This will provide much needed income for businesses and protect as many hospitality jobs as possible, particularly during times of increasing living costs.

1.3 What does the Levelling Up and Regeneration Act do to the pavement licencing regime?

The Levelling Up and Regeneration Act makes permanent the pavement licensing regime under the Business and Planning Act 2020, with a number of changes. The Levelling Up and Regeneration Act introduces a standard fee cap for both new and renewals of licences as well as increased consultation and determination periods, lengthens the maximum duration of licences and provides local authorities with new powers to remove unlicensed furniture.

1.4 How does the process for pavement licences work?

Permission to place objects or structures on the highway are otherwise granted primarily under Part 7A of the Highways Act 1980. The fee for the Highways Act process varies between local authorities, and there is a minimum 28 calendar day consultation period. The Business and Planning Act process provides a cheaper, easier, and quicker way for businesses to obtain a licence. The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals and the public consultation period is 14 days (excluding public holidays), starting the day after the application is sent electronically to the authority.

If the local authority does not determine the application before the end of the determination period (which is 14 days beginning with the first day after the end of the public consultation period, excluding public holidays), the licence is deemed to have been granted for two years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

1.5 What businesses are eligible?

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence. Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours including where such uses form an ancillary aspect of another use, for example supermarkets, or entertainment venues which sell food and drink.

A licence permits the business to use furniture placed on the highway to sell or serve food or drink and/or allow it to be used by people for consumption of food or drink supplied from, or in connection with the use of the premises.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. Though they can apply for permission to place furniture on the pavement under the Highways Act 1980.

1.6 What furniture can be permitted by a licence?

The furniture which may be placed on the pavement include:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;

- chairs, benches or other forms of seating; and
- umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable and related to the serving, sale and consumption of food or drink. Local authorities should be pragmatic when determining what is 'removable' but in principle this means it is not a permanent fixed structure, and is able to be moved easily, and stored away at night.

1.7 What furniture is not permitted by a licence?

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

Advertising boards are not included in the definition of furniture within the pavement licencing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

1.8 How much do applications cost?

Fees will be set locally, and it is for the licencing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

1.9 Are there any exclusions from this provision?

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required.

1.10 Where does this new process apply?

This process applies to England only, including London and other areas where statutory regimes other than the regime in the Highways Act 1980 may be relevant to the grant of licences for street furniture.

1.11 Which authority can exercise pavement licence functions?

Under section 101 of the Local Government Act 1972, local authorities may arrange for the discharge of their functions by a committee, a sub-committee, or an officer of the authority, or by any other local authority. This means that the executive of a local authority can delegate decisions to a committee, or officer of the authority. They may also wish to delegate the functions to another authority, for example to a County Council in a two-tier area.

1.12 How does this interact with other regulatory process, such as alcohol licensing?

It is important to note the grant of a pavement licence only permits the placing of furniture on the highway. A pavement licence does not negate the need to obtain approvals under other regulatory frameworks, such as the need for a licence to sell alcohol, and the need to comply with registration requirements for food businesses.

Temporary amendments to the Licensing Act 2003, under the Business and Planning Act 2020, allow the sale of alcohol by eligible holders of an on-sale licence for consumption off the premises without needing to apply for a variation of their licence. These temporary amendments apply if the premises had a licence that permitted sales of alcohol only for consumption on the premises on 22 July 2020, and the premises still retain that licence. More details can be found in the [guidance accompanying the Business and Planning Act 2020 \(https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill\)](https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill). This is currently in place until 31 March 2025. It will remain legally independent and separate from the pavement licences process.

Local authorities must have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to

have regard to their own duties under the Equality Act 2010, such as their duty under section 29 of the Act not to discriminate in providing their service and the duty to make reasonable adjustments.

1.13 Does the applicant need planning permission as well as the licence?

No. Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

2. Duration

2.1 How long are pavement licences valid for?

If a local authority determines an application before the end of the determination period (which is 14 calendar days, beginning with the first day after the end of the public consultation period, excluding public holidays), the authority can specify the duration of the licence. To help support local businesses and give them more certainty, the expectation is that local authorities are pragmatic and will grant licences the maximum 2 years, unless there are good reasons for granting a licence for a shorter period such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two years starting with the first day after the determination period. However, if, when implemented, a licence that has been deemed granted does not meet the conditions set out in the legislation or any local conditions, it can be revoked at any time on the grounds that it has breached the conditions.

2.2 When will the permanent pavement licensing come into force?

The permanent pavement licensing regime and changes provided for in Levelling Up and Regeneration Act will come into effect on 31 March 2024 (the commencement date). This means that local authorities are able to grant pavement licences to new applicants under this regime effectively immediately from this date.

2.3 How long will the pavement licencing process set out in the Business and Planning Act be in place?

The process set out in the Business and Planning Act is made permanent as amended by the Levelling Up and Regeneration Act.

3. Applications

3.1 What information does an applicant need to provide?

An application to the local authority must:

- specify the premises and, the part of the relevant highway to which the application relates;
- specify the purpose (or purposes) for which the furniture will be used which must be for use by the licence-holder to sell or serve food or drink, and/or for use by other people for the consumption of food or drink. In both cases the food or drink must be supplied from, or in connection with relevant use of the premises;
- specify the days of the week on which and the hours between which it is proposed to have furniture on the highway;
- describe the type of furniture to which the application relates, for example: tables, chairs, and/or stalls;
- specify the date on which the application is made;
- contain or be accompanied by such evidence of public liability insurance in respect of anything to be done pursuant to the licence as the authority may require; and
- contain or be accompanied by such other information or material as the local authority may require, for example how national and local conditions have been satisfied.

Local authorities may require applications to be made on a standard application form.

3.2 What other information may the local authority require?

Local authorities may require the applicant to provide other information or material to help them make a swift determination. This could be included in their standard application form. Publicising information requirements, and applicants ensuring that they have provided all relevant information to meet these requirements, is beneficial to all parties involved in the process and can speed up decision making. Any requirements imposed should be reasonable and should be kept as minimal as possible. Examples of the information a local authority might require include:

- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified (some authorities may require this on an OS Base Map);
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown;
- the proposed duration of the licence (for e.g. 3 months, 6 months, a year etc.);
- evidence of the right to occupy the premises e.g. the lease;
- contact details of the applicant;
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied;
- evidence that the applicant has met the requirement to give notice of the application (for example photograph);
- (if applicable) reference of existing pavement licence currently under consideration by the local authority
- any other evidence that shows how the furniture to be introduced is in accordance with national guidance regarding accessibility (such as use of good colour contrast, suitable physical barriers around chairs and tables and or other appropriate measures); and
- any other evidence needed to demonstrate how any local and national conditions will be satisfied, including the 'no-obstruction' national condition.

3.3 What are the transitional arrangements?

Existing pavement licences granted under the Business and Planning Act 2020, prior to the commencement date, will remain valid until the expiration date on the license, given to them by the licencing authority. Once this has expired, businesses will need to apply for a new licence. Licencing authorities should treat this as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence.

Licences determined before the 31 March 2024 will be subject to the enforcement powers set out in the permanent regime.

Any pavement licence that was granted under the Business and Planning Act 2020 before the commencement date with no limit on its duration, or that was deemed to be granted will expire 2 years from the commencement date. Any permission that was granted by a council under the Highways Act 1980 before the commencement date will continue under that legislation.

Applications made (and submitted to the local authority) on or before 30 March 2024 but determined on or after 31 March 2024 will be subject to a 7-day consultation, 7-day determination period. The maximum fee that can be charged for applications during this timeframe is £100. However, these licences can be granted for up to 2 years.

3.4 How should applications for renewals of licences granted under the temporary provisions be submitted?

To obtain a licence for any period after 31 March 2024, a new application will need to be made even if the premises already had a licence until 31 March 2024.

An application will need to have been made after the commencement date for it to be treated as a renewal. Local authorities are encouraged to take a proportionate approach to information requirements for businesses seeking a new pavement licence where a licence has existed, so that this is as convenient as possible for businesses and members of the public. An example of a proportionate approach could be allowing applicants to re-use application material from their original application, updating where relevant to ensure they still comply with local and national conditions.

Businesses who have had a licence under the previous regime and are seeking a new licence should be treated as a renewal application if it is made by the licence-holder, it is in respect of the same premises and it is on the same terms as the expired licence.

3.5 Can licensable activities still be granted under the Highways Act?

Any licence applications for activities in England licensable under pavement licencing legislation in the Business and Planning Act 2020 must be granted under the Business and Planning Act 2020 (as amended by section 229 of and schedule 22 to the Levelling Up and Regeneration Act). They should not be granted under the Highways Act 1980

Applicants will still need to apply for permission to carry out activities not licensable under the Pavement Licensing regime, under the Highways Act 1980. Example of such activities include the placement of furniture that is not removeable, such as bolted to the ground or cannot be reasonably removed, or placement of furniture other than tables, chairs or stools on the highway.

3.6 What happens if an applicant has already made an application under the Highways Act 1980 regime?

It remains open for an applicant to apply for permission to place furniture on the highway under the Highways Act 1980. If the applicant has applied for permission under the Highways Act before the commencement date, but the Highways Authority has not determined the application, the applicant can instead apply for a pavement licence under the Business and Planning Act 2020. In those circumstances the pending application will be deemed to have been withdrawn. If the fee for the pending application was paid the authority will not be permitted to charge a fee for the new application for a pavement licence.

From the commencement date, a council may not grant an applicant permission to do anything which is capable of being authorised by a pavement licence under the Business and Planning Act 2020.

3.7 What happens if an applicant has already made an application under the Business and Planning Act 2020 regime?

Licences applied for prior to the commencement date, but not yet determined by the local authority until after the commencement date, will be subject to the 7-day consultation and 7-day determination period. Though the maximum duration a local authority can grant the licence can be up to 2 years.

4. National conditions

The 2020 Act sets out two conditions which apply to pavement licences which are granted or deemed to be granted; these are: a no-obstruction condition and a smoke-free seating condition. These apply only to licences granted under the Business and Planning Act 2020, not existing licences permitted under Part 7A of the Highways Act 1980, or other relevant legislation.

4.1 How can the local authority and applicant consider the needs of disabled people when considering whether the requirements of the no-obstruction condition are met?

The no-obstruction condition is a condition that the licence must not have the effects set out in section 3(6) of the 2020 Act. When determining whether furniture constitutes an unacceptable obstruction in light of the no-obstruction condition, the provisions require that local authorities consider the needs of disabled people. In order to do this, authorities should consider the following matters when setting conditions, determining applications (in the absence of local conditions), and when considering whether enforcement action is required:

- Section 3.2 of [Inclusive Mobility](https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians) (<https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>) s- gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of 2000mm is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters. Local authorities should take a proportionate approach if this is not feasible due to physical constraints. A minimum width of 1500mm could be regarded as the minimum acceptable distance between two obstacles under most circumstances, as this should enable a wheelchair user and a walker to pass each other.
- any need for a barrier to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers. However, as these are not necessary for the consumption of food, this will need to be balanced to ensure any barriers do not inhibit other street users, such as the mobility impaired, as such barriers may create a further obstacle in the highway. Advertising boards are not included in the definition of

furniture within the pavement licencing regime, therefore, should not be used as a barrier;

- any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licenses in close proximity to each other and if there is specific evidence that this may create a build-up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;
- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places duties on local authorities, to have due regard to: the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

4.2 What is reasonable provision for seating where smoking is not permitted?

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. Ways of meeting this condition could include:

- Clear 'smoking' and 'non-smoking' areas, with 'no smoking' signage displayed in designated 'smoke-free' zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.

- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Further, business must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

4.3 Where an authority has set a local condition covering the same matter as a national condition, which take precedence?

Where a local authority sets a local condition that covers the same matter as set out in national conditions, then the locally set condition would take precedence over the national condition where there is reasonable justification to do so.

5. Determining the application

5.1 What happens once the information is submitted to the local authority?

Once the information is submitted to the local authority, the authority has 28 days from the day after the application is made (excluding public holidays) to consult on and determine the application. This consists of 14 calendar days for public consultation, and then 14 calendar days to consider and determine the application after the consultation.

If the local authority does not determine the application within the 14-day determination period, the application will be deemed to have been granted subject to any local conditions published by the local authority before the application was submitted.

5.2 What will a local authority consider when deciding whether to grant a pavement licence?

The local authority will need to consider a number of factors, when determining whether to approve the application. These include whether local conditions might be needed to make it possible to approve an application which would otherwise be unacceptable.

The Secretary of State may specify conditions for pavement licences, in Regulations (although to date there has not been a need to do so). This is in addition to the statutory 'no obstruction' condition referred to in sections 5(4) and 3(6) of the Business and Planning Act 2020 Act and 'smoke-free' seating condition.

Authorities are encouraged to publish local conditions subject to which they propose to grant pavement licences so that applicants and those making representations are aware of them. When considering their powers in relation to local conditions they should bear in mind the requirements of the no-obstruction condition and the smoke-free seating condition. They should also take into account any national conditions which may be specified in the future in Regulations.

When setting local conditions and determining applications, issues authorities will also want to consider include:

- public health and safety including security – for example, any reasonable crowd management measures needed as a result of a licence being granted;
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, and litter;
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
- considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people
- any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles;
- whether there are other permanent street furniture or fixed structures in place on the footway that already reduce access; and
- other users of the space, for example if there are high levels of pedestrian or cycle movements.

5.3 How can local authorities consider security?

When considering public health and safety, local authorities should seek to ensure a balanced consideration for security implications, particularly the risk to

groups of people from interaction with hostile vehicles, and the creation of large crowds in new public spaces. The impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people. Local authorities should factor this into the security planning process and ensure the [overall security arrangements for an area are adapted as appropriate](https://www.protectuk.police.uk/) (<https://www.protectuk.police.uk/>). Examples of appropriate measures could include increased CCTV surveillance, manned guarding, vehicle security barriers and ACT (Action Counters Terrorism) training for businesses. Find more information about [ACT Awareness Products](https://www.protectuk.police.uk/catalogue) (<https://www.protectuk.police.uk/catalogue>).

Local authorities should consider consulting with Police Licensing Teams, Designing Out Crime Officers and Counter Terrorism Security Advisors for relevant advice.

Additional [guidance is available for managing the most common security implications](https://www.protectuk.police.uk/user/login?destination=/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security) (<https://www.protectuk.police.uk/user/login?destination=/advice-and-guidance/risk/pavement-licences-how-can-local-authorities-consider-security>) and how to protect crowds and [queues of people](https://www.cpni.gov.uk/system/files/documents/cd/70/CPNI%20and%20NaCTSO%20Advice%20Note%20-%20Protecting%20pedestrian%20queues%20from%20Vehicle%20As%20a%20Weapon%20Attack%2015%20Sept%202020%20V02.pdf) (<https://www.cpni.gov.uk/system/files/documents/cd/70/CPNI%20and%20NaCTSO%20Advice%20Note%20-%20Protecting%20pedestrian%20queues%20from%20Vehicle%20As%20a%20Weapon%20Attack%2015%20Sept%202020%20V02.pdf>). This includes information on suggested Counter Terrorism licence considerations, which local authorities are encouraged to consider when determining pavement licence applications.

5.4 Can local authorities impose conditions which are not published?

Yes. When they grant a licence, local authorities may impose reasonable conditions whether or not they are published upfront. There is an expectation these will be supported by a clear justification for the need of a condition, such as evidence raised during the consultation, which is in addition to any published local conditions. Conditions might, for example, limit the maximum number of chairs and tables, or type of furniture, time and days of operation with justification for this. Conditions imposed by the local authority should be proportionate and tailored to the applicant's premises.

5.5 How can local authorities and applicants maintain outdoor spaces safely, following confirmation of the removal of social distancing measures?

There are no COVID-19 restrictions in the UK and since 19 July 2021, social distancing guidance no longer applies. This means that local authorities and businesses are not expected to adhere to COVID-19 regulations and do not need to implement social distancing (2m or 1m+) and the public do not need to keep apart from people they don't live with. However local authorities and businesses may wish to consider that some people may make a personal choice and limit their close contact with others. Businesses still have a legal duty to manage risks to those affected by their business. The way to do this is to carry out a health and safety risk assessment and to take reasonable steps to mitigate the risks businesses identify from the assessment.

5.6 What are the outcomes of an application?

If the local authority determines the application before the end of the determination period, the local authority can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application, and impose conditions, or
- refuse the application.

To the extent that conditions imposed on a licence by the local authority do not have the effects specified in the statutory conditions (see [paragraph 4.1](#) and [paragraph 4.2](#)) the licence is granted subject to those requirements.

5.7 Is there a route to appeal a decision?

There is no statutory appeal process for these decisions, however, councils may wish to consider the scope for an internal review process, for example permitting appeals to their Licencing committee.

6. Consultation

6.1 What steps should an applicant take to engage with their community?

The applicant is required to affix a notice to the premises, so it is easily visible and legible to the public on the day they submit the application to the local authority. They must ensure the notice remains in place for the duration of the public consultation period which is the period of 14 days beginning with the day after the day the application is submitted to the authority. When counting 'days' public holidays are not included. Applicants are encouraged to keep evidence of this. Applicants are encouraged to engage with any services operated in the vicinity for vulnerable customers, for example, care home or disability organisations nearby where individuals may be at particular risk.

6.2 What must a notice contain?

The notice must:

- be in the form which the local authority prescribes, if it prescribes one;
- state that the application has been made and the date on which it was made;
- indicate that representations relating to the application may be made to that local authority during the public consultation period and when that period comes to an end; and
- contain such other information or material as that local authority may require, for example a description of how the applicant will adhere to the national conditions.

The applicant is encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and so take any issues around noise, and nuisance into consideration as part of the proposal.

6.3 What information may local authorities require to be displayed on the site notice?

The local authority may require that other information is included in the notice such as:

- the statutory provisions under which the application is made;
- description of the proposed use of the furniture;
- address of the premises and name of the business;
- website for the council where the application and any accompanying material can be viewed during the consultation period;
- address (which might be an email address) to which representations should be sent during the consultation period.

A template site notice local authorities may wish to adapt is contained in [Annex A \(https://www.gov.uk/government/publications/pavement-licences-draft-guidance\)](https://www.gov.uk/government/publications/pavement-licences-draft-guidance).

6.4 Who must local authorities consult?

The local authority must consult the highways authority to which the application relates, if they are not the highways authority; this is usually the County Council in a two-tier area. Transport for London is the highway authority for some roads in London. For security advice, local authorities should consult Police Licensing Teams, Designing Out Crime Officers or Counter Terrorism Security Advisors. The authority must also consult such other persons as the local authority considers appropriate.

6.5 How can members of the public make representations about the application?

Members of the public can contact the council to make representations. Local authorities must take into account representations received from members of the public during the public consultation period, which is the period of 14 days starting the day after the application is submitted. In order to promote accessibility to those unable to access printed notices, Local Authorities are encouraged to consider using digital methods of publicity. They should also consider the needs of those who may find it more difficult to access online publications and should consider ensuring that all formats of consultation are available at the same time, so that all representations can be considered equally.

6.6 How must local authorities publicise the application and seek representations from local communities and other stakeholders?

The local authority is required to publish the application and any information or material which the applicant has submitted with it to meet the requirements of the authority, in such a manner as it considers appropriate, for example, on their website or via an online portal.

The local authority is also required to publicise the fact that representations may be made during the public consultation period and when that period comes to an end. Local authorities might consider using digital methods of publicity,

such as automatic notices, which members of the public can opt in to receive. In deciding what steps to take local authorities should consider the needs of those who may find it more difficult to access online publications.

When publishing applications and publicising the fact that representations can be made, authorities will need to have regard to their duties under the Equality Act 2010 and will need to meet the requirements in the Public Sector Bodies (Websites and Mobile Applications) (No 2) Accessibility Regulations 2018, and therefore ensure that these are made accessible.

7. Enforcement

7.1 In what circumstances can the local authority enforce or revoke a licence?

If a condition imposed on a licence (either by the local authority or nationally) is breached, the local authority will be able to issue a notice requiring the breach to be remedied. If the licence-holder fails to do so, the local authority may amend the licence, with the consent of the licence-holder, revoke the licence or itself take steps to remedy the breach and can take action to recover any costs of so doing. Local authorities are encouraged to regularly review licences and enforce any breaches.

The authority may revoke a licence, or amend it with the consent of the licence holder, in the following circumstances:

1. If it considers that the highway is no longer suitable for the use as granted by or deemed to be granted by the licence. For example, the licensed area (or road adjacent) is no longer to be pedestrianised.
2. Or if there is evidence that:
 - there are risks to public health or safety – for example where it comes to light that there are significant security risks which have not been sufficiently considered, or addressed in a proportionate fashion (this should be reassessed as necessary, particularly in the event of changes to the terrorism threat level);
 - this use of the highway is causing an unacceptable obstruction, breaching the no-obstruction condition – for example, the arrangement of street furniture prevents disabled people, older people or wheelchair users to pass along the highway or have normal access to the premises alongside the highway; or

- the use is causing, or risks causing, anti-social behaviour or public nuisance – for example, the use is increasing the amount of noise generated late at night and litter is not being cleaned up.

The local authority may revoke a licence in the following circumstances:

1. For a breach of condition, (whether a remediation notice has been issued or not) or
2. It comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
3. The applicant did not comply with the requirement to affix the notice to notify the public of the application or secure that the notice remains in place until the end of the public consultation period.

It is good practice for local authorities to give reasons where these powers are used.

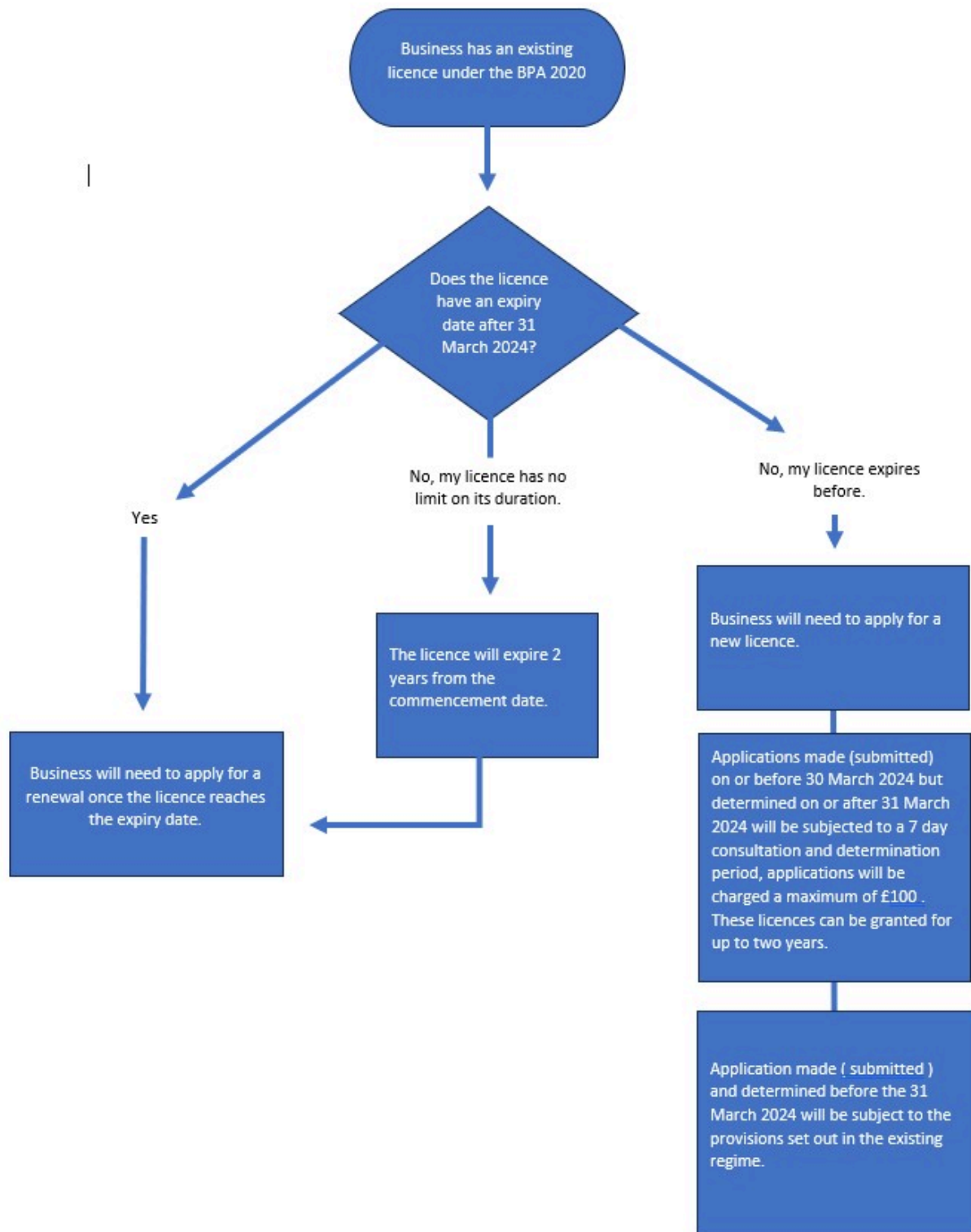
7.2 When can furniture be removed?

In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, local authorities can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence.

If furniture continues to be placed on the highway, in violation of the notice, the authority may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the authority can dispose of the furniture by sale or other means and retain the proceeds.

8. Annex

8.1 Transitional arrangements flowchart



Accessible version

Business has an existing licence under the BPA 2020

Does the licence have an expiry date after 31 March 2024?

If yes:

Business will need to apply for a renewal once the licence reaches the expiry date.

If no, my licence has no limit on its duration

The licence will expire 2 years from the commencement date.

Business will need to apply for a renewal once the licence reaches the expiry date.

If no, my licence expires before:

Business will need to apply for a new licence

Applications made (submitted) on or before 30 March 2024 but determined on or after 31 March 2024 will be subjected to a 7 day consultation and determination period, applications will be charged a maximum of £100 . These licences can be granted for up to 2 years.

Application made (submitted) and determined before the 31 March 2024 will be subject to the provisions set out in the existing regime.

[↑ Back to top](#)

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Bassetlaw District Council

Licensing Committee

17 April 2024

Report of the Council Solicitor

Application to Display Signage on a Licensed Vehicle

Cabinet Member: Corporate & Financial
Services
Contact: Jennifer Flynn

1. Public Interest Test

1.1 The author of this report Stella Bacon has determined that the report is not confidential.

2. Purpose of the Report

2.1 Road Runner Private Hire wishes to make an application to display artwork on their Private Hire Vehicle.

3 Background and Discussion

3.1 Applicant's details: Paul Goodman
Address: 91 Pelham Street, Worksop, Nottinghamshire, S80 2TT

3.2 Mr Goodman owns Road Runner Private Hire, the company consists of 1 Private Hire vehicle, PHV163. Mr Goodman states that he wishes to place signage on his vehicle.

3.3 A proof of the proposed artwork can be seen at **Appendix A** to this report.

3.4 The current Vehicle Licence Conditions state

Any advertisements on the vehicle shall be confined to a notice fixed to one or both front door panels of the vehicle containing the following information:-

(a) Name of Operator and

(b) Telephone number of Operator

The design of the notices shall be approved by the Council.

No other advertising material shall be exhibited on the vehicle without the prior written consent of the Council. Any requests for such consent shall be reserved for consideration and a decision by the Council's Licensing Committee.

Any proposed advertisements on the rear window of vehicles which shall cover the entire window shall use "Contra Vision" or similar technology to enable the driver to be able to see out of the rear window whilst allowing the advertisement to be seen from

outside the vehicle. Details of the specification of the “Contra Vision” or similar technology shall be included with the application to the Council

- 3.6 The Supplementary Testing Manual used by the Councils Vehicle Testing Station reiterated the Vehicle Licence Conditions to ensure that if vehicles do not have the express permission of the Committee to display additional signage they will not pass through the test.

4. Implications

- a) For service users

Clear signage on vehicles enables members of the public to identify the vehicle they have booked.

- b) Strategic & Policy

None

- c) Financial - Ref: 25-541

There are no financial implications

- c) Legal – Ref: 007/04/2024

Sections 47 and 48 of the Local Government (Miscellaneous) Provisions 1976 allows the Council to attach conditions to the grant of a licence of a Hackney Carriage or Private Hire Vehicle, including conditions as to the appearance of the vehicle and requiring or prohibiting the display of signs on the vehicle.

- e) Human Resources

None

- f) Climate change, Environmental

None

- g) Community Safety, Equality and Diversity

None

- h) General Data Protection Regulations

None

- i) Whether this is a key decision, and if so the reference number.

Not a key decision

5. Options, Risks and Reasons for Recommendations

- 5.1 The decision to permit the display of these signs falls within the remit of the Licensing Committee as any requests for consent are reserved for consideration and a decision

by the Council's Licensing Committee and shall relate only to the rear passenger doors and window of the vehicle.

5.2 Members do have an option to refuse the request if there are appropriate grounds for doing so.

6. Recommendations

6.1 Members are asked to consider the request from the owner of this vehicle to allow him to display the appended sign and decide if:

6.1.1 To grant the application

6.1.2 To refuse the application

Background Papers

Local Government (Miscellaneous Provisions)
Act 1976 Part II – Section 47 & 48

Location

Licensing Department

Application Documents

Licensing Department

Vehicle Conditions

Licensing Department

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ROAD RUNNER
07597240908
PRIVATE HIRE

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Bassetlaw District Council

Licensing Committee

17 April 2024

Report of the Council Solicitor

Application to Display Signage on a Licensed Vehicle

Cabinet Member: Corporate & Financial
Services
Contact: Jennifer Flynn

1. Public Interest Test

1.1 The author of this report Stella Bacon has determined that the report is not confidential.

2. Purpose of the Report

2.1 Mr Stephen Neal wishes to make an application to display artwork on their Hackney Carriage Vehicle.

3 Background and Discussion

3.1 Applicant's details: Stephen Neal
Address: 9 St John's Court, Worksop, Nottinghamshire, S80 1QS

3.2 Mr Neal owns Steve's Cabs the company consists of 1 Hackney Carriage vehicle, HCV050. Mr Neal states that he wishes to place signage on his vehicle.

3.3 A proof of the proposed artwork can be seen at **Appendix A** to this report.

3.4 The current Vehicle Licence Conditions state

Any advertisements on the vehicle shall be confined to a notice fixed to one or both front door panels of the vehicle containing the following information:-

(a) Name of Operator and

(b) Telephone number of Operator

The design of the notices shall be approved by the Council.

No other advertising material shall be exhibited on the vehicle without the prior written consent of the Council. Any requests for such consent shall be reserved for consideration and a decision by the Council's Licensing Committee.

Any proposed advertisements on the rear window of vehicles which shall cover the entire window shall use "Contra Vision" or similar technology to enable the driver to be able to see out of the rear window whilst allowing the advertisement to be seen from

outside the vehicle. Details of the specification of the “Contra Vision” or similar technology shall be included with the application to the Council

- 3.6 The Supplementary Testing Manual used by the Councils Vehicle Testing Station reiterated the Vehicle Licence Conditions to ensure that if vehicles do not have the express permission of the Committee to display additional signage they will not pass through the test.

4. Implications

- a) For service users

Clear signage on vehicles enables members of the public to identify the vehicle they have booked.

- b) Strategic & Policy

None

- c) Financial - Ref: 25/433

There are no financial implications

- c) Legal – Ref: 009/04/2024

Sections 47 and 48 of the Local Government (Miscellaneous) Provisions 1976 allows the Council to attach conditions to the grant of a licence of a Hackney Carriage or Private Hire Vehicle, including conditions as to the appearance of the vehicle and requiring or prohibiting the display of signs on the vehicle.

- e) Human Resources

None

- f) Climate change, Environmental

None

- g) Community Safety, Equality and Diversity

None

- h) General Data Protection Regulations

None

- i) Whether this is a key decision, and if so the reference number.

Not a key decision

5. Options, Risks and Reasons for Recommendations

- 5.1 The decision to permit the display of these signs falls within the remit of the Licensing Committee as any requests for consent are reserved for consideration and a decision

by the Council's Licensing Committee and shall relate only to the rear passenger doors and window of the vehicle.

5.2 Members do have an option to refuse the request if there are appropriate grounds for doing so.

6. Recommendations

6.1 Members are asked to consider the request from the owner of this vehicle to allow him to display the appended sign and decide if:

6.1.1 To grant the application

6.1.2 To refuse the application

Background Papers

Local Government (Miscellaneous Provisions)
Act 1976 Part II – Section 47 & 48

Location

Licensing Department

Application Documents

Licensing Department

Vehicle Conditions

Licensing Department

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