



## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

### CONSENT STREET TRADING POLICY

## Introduction

The Redcar and Cleveland Borough Council has adopted the provisions of Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to street trading within the borough.

The policies detailed in this statement have been adopted by the Council of the Borough of Redcar and Cleveland (the Licensing Authority) as a guide to applicants on the general matters which they will take into account when discharging their duties and responsibilities under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## Statutory Framework

The policies identified in this document have been adopted by the Licensing Authority in order to respond to the duties placed on it under Section 3 of the Act. The statement of policy will apply to all parts of the Licensing Authority's area and have effect regarding the whole of the Borough of Redcar and Cleveland

## Provisions Pertaining to General Conditions for Consent Street Trading

- The Licensing Authority is under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
- There is no statutory limitation on the Licensing Authority's power to revoke or refuse to renew a street trading consent.
- There is no right of appeal against the refusal to grant or renew a consent or against the revocation of variation of a consent
- Any application for the grant or renewal of a consent shall be made in writing
- A street trading consent shall not be granted
  - a) to a person under the age of 17 years: or

b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

- When granting or renewing a street trading consent, the Licensing Authority may attach such conditions to it as they consider reasonably necessary
- When granting or renewing a street trading consent the Licensing Authority may attach such conditions to prevent the obstruction of the street or danger to persons using it, or nuisance or annoyance (whether to persons using the street or otherwise)
- The Licensing Authority may at any time vary the conditions of a street trading consent
- A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time
- The holder of a street trading consent may at any time surrender his consent to the Licensing Authority and it shall then cease to be valid.
- A street trading consent holder may only be prosecuted for a breach of a condition where he trades from a stationary van, cart, barrow, vehicle or from a portable stall in a place, or at a time not included in the consent, or for breach of a condition relating to the positions and times in which he may trade but not for a breach of a condition relating to the type of article to be sold.
- A person guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale
- No person under the age of 17 years shall be employed in street trading
- Where a consent is surrendered or revoked, the Licensing Authority shall remit the whole or part of any fee paid for the consent.
- Trading as outlined in Schedule 1 is excluded from the definition of street trading and as such traders are not required to obtain consent to trade on a consent street or prohibited street.

## **Redcar and Cleveland Consent Street Trading Conditions**

- 1) All streets within the Borough are designated as "Consent Streets"
- 2) Notwithstanding 1) above certain main and trunk routes (see Schedule 2) are designated as prohibited streets
- 3) Consents for street trading will be determined by the Licensing Committee and will consider the area, what is offered for, or exposed for sale and all consultations submitted before Committee.
- 4) All consents, apart from consents contained within 8 below will be located to the satisfaction of the Licensing Committee and so positioned and maintained so as to ensure that no risk is occasioned to any member of the public and the free flow of pedestrians is at no time impeded.

- 5) The pedestrian area of the High Street, Redcar is between West Dyke Road and West Terrace in the west and Moore Street in the east
- 6) The number of permanent consents for the pedestrian area of the High Street, Redcar is 4
- 7) The number of seasonal consents for the pedestrian area of the High Street is 2
- 8) All consents within the pedestrian area to be located to the satisfaction of the Town Centre Management and so positioned and maintained as to ensure no risk is occasioned to any member of the public and the free flow of pedestrians is at no time impeded
- 9) Only hand carts and mobile stores of a size, character and design approved by the Town Centre Manager be used in the consent area
- 10) All consents will be allocated a reference number
- 11) In addition to this, all consents within the pedestrian area will be allocated accordingly as per the site plan
- 12) A display notice to be issued by the Director of Sustainable Communities be displayed at all times on the concession whilst trading
- 13) A waiting list will be prepared and from time to time applicants for street trading consents will be added to the list for the pedestrian area.

## Redcar High Street General Conditions Of Permit

- 1) The permit is granted under the general provisions adopted by the Council for Redcar High Street pedestrian area as a [enter consent type]
- 2) The permit holder will ensure that a copy of the permit together with the schedule of conditions is permanently displayed on the stall, trailer or vehicle so as to be readily seen by the public at all times when trade is conducted under the benefit to the said permit
- 3) This permit shall not authorise any sale, hire or undertaking to sell any goods other than those detailed in the permit
- 4) No stall, barrow, cart, van or other vehicle may be used for the purpose of sales allowed under the benefit of this permit except that it be of such design and construction as may be previously approved by the Town Centre Manager
- 5) No pitch, site or location shall be authorised under this permit other than that detailed herein. Goods or advertisements may not be displayed, stored or otherwise allowed to accumulate on any other part of the highway or adjacent footways and verges
- 6) The permit holder will be responsible, so far as is reasonably practicable for the containment and removal at the end of each trading period of any waste, litter or refuse arising from or in the course of the conduct of the business
- 7) The rights and benefits contained in this permit are limited on a personal basis to the person whose name appears herein and may not be re-assigned, sold or otherwise transferred without the written approval of the Licensing Authority
- 8) The permit holder may exercise the benefits of this permit though an employee or 3<sup>rd</sup> party only if any such parties have first been approved in writing by the Director for Sustainable Communities
- 9) No trade of retail sale may be conducted under the benefit of this permit other than on those occasion and limited to those hours detailed in the permit
- 10) Except in so far as, and limited in extent to any express approval detailed in the permit, this consent does not convey or confer any rights of access or egress to footpaths, verges, or other areas of land, whether or not cultivated, forming part of or adjacent to a public highway. Local road traffic regulations/orders must be observed at all times.

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## Schedule 1

### Interpretation

(1) In this schedule

“Consent street” means a street in which street trading is prohibited without the consent of the Licensing Authority

“Prohibited street” means a street in which trading is prohibited

“Street” includes

- a) any road, footway, beach or other area to which the public have access without payment
- b) a service area as defined in section 329 of the Highways Act 1980

and also includes any part of a street.

“Street Trading” means, subject to the exceptions in subparagraph 2, the selling or exposing or offering for sale of any article (including a living thing) in a street.

(2) The following are not street trading

- i) trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871
- ii) anything done in a market or fair, the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established of an enactment or order
- iii) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- iv) trading as a news vendor, where
  - a) the only articles sold or exposed or offered for sale are newspapers or periodicals: and
  - b) they are sold or exposed or offered for sale without a stall or receptacle for them or a stall or with a stall or receptacle for them which does not
    - 1) exceed one metre in length or width or two metres in height
    - 2) occupy a ground area exceeding 0.25 square metres: or
    - 3) stand on the carriageway of a street
- v) trading which
  - a) is carried on at premises used as a petrol filling station; or
  - b) is carried on at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop
- vi) selling things, or offering or exposing them for sale as a roundsman
- vii) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway
- viii) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- ix) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) act 1916

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### **Schedule 2**

#### **Prohibited Streets**

- 1) The A66 from the boundary of the Borough at its western end to its junction with Tees Dock Road
- 2) The A1085 (Trunk Road) from the boundary of the Borough at its western end to its junction with the A1042 (Kirkleatham Lane)
- 3) The A1042 (Kirkleatham Lane) from its junction with the A1085 (Trunk Road) at its northern end to its junction with the A174 (Parkway) at its southern end
- 4) The A174 (Parkway) from the boundary of the Borough at its western end to the boundary of the Borough at its eastern end
- 5) The A1053 (Greystones Road) from its junction at the A1085 (Trunk Road) at its northern end to its junction with the A174 at its southern end
- 6) The A171 from its junction with the A1043 at its western end to the boundary of the Borough at its eastern end
- 7) The A173 from its junction with the A171 at its southern end to its junction with the A174 at its northern end
- 8) The A1085 from its junction with the Zetland roundabout to its junction with the A174 south of Marske
- 9) The B1267 from its junction with the A174 south of Marske to its junction with the A173 at Skelton
- 10) The B1269 from its junction A174 at its northern end to its junction with the A173 at its southern end

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Location of Permanent and Seasonal Consents - Pedestrian Area – High Street, Redcar

Reference	Position
<b>P1</b>	<b>Outside Morgan's the Bakers</b>
<b>P2</b>	<b>Adjacent 3 fishes sculpture</b>
<b>P3</b>	<b>Between Iceland and Millets</b>
<b>P4</b>	<b>Between Vodafone and Woodheads the Bakers</b>
<b>S1</b>	<b>Between 75 and 76 High Street</b>
<b>S2</b>	<b>Outside Darlington Building Society</b>

P = Permanent Consent

S = Seasonal Consent