

SBC Consent Street Trading Policy 2023 – DRAFT v4 – Following Consultation

Introduction and Scope

Stockton-on-Tees Borough Council (the Council) recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the Borough, some of whom are unable to travel to centralised shopping centres. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully. The intention is to create a street trading environment which complements areas of trading, is sensitive to the needs of residents and nearby businesses, and which promotes consumer choice and community values, whilst ensuring the safety of the public and the prevention of nuisance.

Local Authorities have a legal discretion to regulate street trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4. This street trading policy is produced in accordance with the powers granted in Section 3 and Schedule 4 of the Act. [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](#)

Stockton-on-Tees Borough Council has designated the whole borough as a “Consent Street” area. The effect of this designation means if you want to sell goods on a street, you are classed as a street trader and, subject to legal and policy exemptions, and will need to have the appropriate consent.

Conditions can be attached to the consent as are considered ‘reasonably necessary’ and are detailed at Appendix 1. Trading without the required consent is a criminal offence.

This policy will guide the Council when it considers applications for street trading consents, and it will inform applicants of the criteria against which applications will be considered. This policy sets out the Councils framework and approach for the management of street trading in the borough which are:

- To ensure the suitability of applicants to hold a consent
- To ensure the suitability of the structures used for trading
- To control the number and location of street traders and complement existing street and premise-based trading

- To prevent obstruction of the highway by street trading activities
- To ensure that traders operate within the law, act fairly with the public and do not present a risk to public order
- To prevent public nuisance by taking measures to reduce the risk of nuisance from misbehaviour, noise, refuse, vermin, fumes, and smells
- To ensure that the process involves opportunities for consultation with relevant agencies
- To maintain the quality and add value to the townscape
- To encourage inward investment by introducing a stop one application process for businesses

Consultation

In determining this Policy, the Council has consulted with the following:

- Cleveland Police (statutory consultee) and Cleveland Fire Service
- SBC Highways, Transport and Design (statutory consultee)
- Members of the public (statutory consultee)
- Current Street Traders & Local Businesses
- Voluntary, Community and Social Enterprise (VCSE) Sector
- SBC Responsible Authorities inc. Trading Standards, Planning, Environmental Health
- SBC Regeneration and Inclusive Growth
- SBC Community Services, Environment and Culture
- SBC Adults and Health
- SBC Corporate Services
- Elected Members

Review of the Policy

This policy comes into effect on the **DATE** and supersedes any previous policies. The policy will be regularly evaluated and may be changed without full consultation to reflect:

- administrative changes
- legislative changes
- local considerations within the borough

This policy will be fully reviewed including a consultation process within twelve to eighteen months of adoption and then every three years.

Contacting the Licensing Team

If after reading this policy, you require further information please contact the Licensing Team.

Email: licensing@stockton.gov.uk Phone: 01642 524802 Web: www.stockton.gov.uk/licensing

Regulatory and Policy Framework

Street trading means selling, exposing, or offering for sale any article (including a living thing) in a street. This includes a wide range of retail activities e.g., food, beverages, arts and crafts, jewellery, household goods, clothing etc, it could also include the sale of vehicles from the roadside.

A street means any road, footway, beach, service area or other area to which the public have access to without payment. The Courts have confirmed that any land located away from the highway which the public can access without payment, including privately owned land, is capable of being a street for these purposes. For example, this could include open spaces, parks, car parks, trading estates, forecourts, business/retail parks and pedestrianised precincts.

Certain activities are exempted from street trading control by the legislation. These include:

- trading as a pedlar under a pedlar's certificate
- trading at an established market or fair the right to hold which having been obtained by a grant, enactment, or order
- trading as a news vendor
- trading at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop
- trading as a roundsman (i.e., delivering pre-ordered goods to customers)
- trading from a licensed highway area (pavement licence)
- trading under a street collection permit for charitable purposes

The Council recognise the valuable work the charity, community and voluntary sectors contribute to the borough, which includes trading as part of fundraising activities. Organisers of these events make no commercial gain from trading and all profits made are put back into the purpose of the registered charity / association. These activities are exempted from street trading control by this policy and include:

- Trading by a registered charity or recognised association or other non-profit making organisation
- Non-profit / fundraising trading taking place within a church or educational grounds e.g., church events, school festivals and PTA events

There are no prohibited streets within the Borough. The A19 and A66 are designated as major roads, roadside sales are controlled by section 23 of the Local Government (Miscellaneous

Provisions) Act 1982 and Section 147a of the Highways Act 1980 prohibits roadside sales where it is likely to cause a danger to road users.

The Licensing and Determination Process

Each application will be dealt with on its own merits, this policy gives prospective applicants an indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them should an application be granted.

Applications can only be made by persons over 17 years of age, who have the right to reside and work in the UK. Some of the information provided on the application form is published on a 'Public Register' which members of the public can view. Application forms can be found on the Council website.

Stockton-on-Tees Borough Council has different types of street trading consent:

Consent Type	Notes	Examples
Annual Fixed Site Consent	An individual trader at a fixed annual site	Food vans at fixed locations
Annual Roaming Consent	An individual trader with Borough wide consent when a schedule of stop/locations is included with the application. Stops are for no more than 20 minutes at a time, and no location is revisited within a 4 hour period	Roaming ice cream / food vans with short stops at multiple locations
Annual Mobile Multi Site Consent	An individual trader with site specific consent when a schedule of locations is included with the application. Stops are longer than 20 minutes at a time	Coffee / food vans with longer stops at multiple locations
Single Use Consent (fixed site only)	An individual trader at a fixed site for a period not exceeding 72 hours (or 3 consecutive days)	Commercial seasonal trader, annual consent not needed
Temporary Event Consent (fixed site only)	Multiple traders at a temporary fixed site location for a period not exceeding 72 hours (or 3 consecutive days). The number of traders covered is as follows: Category 1 – Up to 20 traders Category 2 – Between 21 and 49 traders Category 3 – Between 50 and 75 traders Category 4 – Between 76 and 99 traders Category 5 – over 100 traders	Commercial and for profit markets and events

Application Process

Each application form must be accompanied by the following supporting documentation:

All Traders Supporting Documents (except temporary event consent)

- Details of any assistants to be included on the consent
- A Basic Disclosure Certificate (DBS) for the applicant and any assistants to be included on the consent (not more than six months old)
- Three colour photographs of the unit / vehicle that will be used for the street trading activity (Front, Back and Side views)
- A passport sized photograph of the applicant and each assistant
- FSA Food Hygiene Rating Score for food traders
- Evidence that the applicant and any person(s) operating the stall / vehicle / unit holds a valid right to work in the U.K.

Fixed Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A site map clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of the proposed site
- Permission from the landowner (private land only)

Roaming Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A route of proposed stops/locations

Mobile Multi Site Consent Additional Supporting Documents

- All trader supporting documents as detailed above
- A complete list of proposed site locations
- A site map of each location, clearly identifying the proposed site position by marking the site boundary with a red line
- A photograph of each of the proposed sites
- Permission from the landowner (private land only)

Temporary Event Consent Additional Supporting Documents

- A complete list of traders attending the event following the standard format published on the council website

- A site map clearly identifying the proposed site position by marking the site boundary with a red line.
- A photograph of the proposed site
- Permission from the landowner (private land only)
- FSA Food Hygiene Rating Score for food traders

Sites can remain with the same person for several years on successful renewal. In the event of the Consent being revoked, surrendered or if it lapses without being renewed, the Council will accept new applications for the vacant site. This might be at any time of the year.

Fees

Fees will be made on application, renewal, transfer, variation or to issue a replacement consent. The Council can recover the full costs associated with the consent scheme and fees are reviewed annually and published on the Council website.

In arriving at fees, the Council may charge a lesser amount for temporary event consent applications to promote and support such activities. Fees are broken down into 2 elements, an application fee, and a consent fee.

The level of fees applicable to the street trading function takes into account the administrative costs associated with the consideration of application, 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.

No application will be deemed valid until payment of the appropriate fee. Where trading ceases during the term of the consent refunds will not be issued for any outstanding period of less than three months. Where a temporary event consent has been granted, no refund will be issued should a trader not attend the event, or the event is cancelled.

Equality and Diversity

The Council is committed to promoting equal opportunities, valuing diversity, and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination. Policy guidance and application forms relating to consent street trading will be made available in

English which is the most common language of customers and stakeholders. On request the Council will signpost applicants to providers of guidance and information relating to translation services.

Consultation

Upon receiving a full application, all supporting documentation and the correct fee the Licensing Service will begin the consultation process with interested parties.

There are no statutory consultees on street trading applications however the police, highways authority, fire service and other responsible authorities will be consulted and a minimum of 14 day consultation period will be required. This consultation period may be extended if representations are received, or further information is required. Local Ward Councillors will also be notified of an application. Public notification will be achieved through the Council webpage.

Once the Council has accepted a valid application the applicant shall also put up a notice of the application at the proposed street trading location, advising the public how to comment on the application. (This requirement will not apply to roaming consents). Photographic evidence of the notice in place shall be submitted on request. The applicant shall remove the notice at the end of the consultation period. A draft copy of a notice is available on the website.

Applications for street trading consents are delegated to officers for determination in line with the Councils constitution. Officers will take all information into consideration including relevant representation made in writing to the Licensing Service.

A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. The objection must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application. The applicant will be provided with a copy of any representation received including contact details, to promote mediation and the applicant will be given an opportunity to comment before a final decision is taken. Officers will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

Following the determination of an application, the Council will notify the applicant of the decision in writing. No street trading may take place until a consent has been issued. To trade without a consent is an offence.

If more than one application is received for any new or vacant site, applications will be considered in consultation with the Chair or Vice Chair of the Licensing Committee.

If the applicant has any relevant convictions, it is likely that the application will be considered in consultation with the Chair or Vice Chair of the Licensing Committee. All applications will be assessed against the Assessment Criteria.

Assessment Criteria

Each case will be dealt with on its own merits, failure to meet conditions which would be attached to a consent are grounds for refusal. In considering applications the following factors will also be considered:

- Suitability of the applicant
- Suitability of the location
- Appearance of the Unit or Vehicle
- Public Nuisance
- Public Safety
- Environmental Credentials

Suitability of the Applicant

All applicants and assistants (excluding temporary event consents) are required to submit a Basic Disclosure Certificate dated within six months at application and renewal of a consent. The purpose of considering an applicant's previous convictions is to enable the Council to assess whether:-

- an applicant for the grant or renewal of a street trading consent is a suitable person to hold, or to continue to hold, a street trading consent;
- a person who wishes to be registered as an assistant to a street trading consent holder, or to continue to be registered as an assistant to a street trading consent holder, is a suitable person to be registered as an assistant to a street trading consent holder

Each case will be decided on its own merits and follow policy guidance and in making its decision the Council will consider the following:-

- whether the conviction is relevant;
- the seriousness of the offence;
- the length of time since the offence occurred;
- whether there is a pattern of offending behaviour;
- whether that person's circumstances have changed since the offence occurred;

- the circumstances surrounding the offence and the explanation offered by that person;

Applicants and assistants should refer to Appendix 3 for details of the general approach that will be taken to certain categories of offences.

Suitability of Locations and Needs of the Area

Consent will not be given in any location which infringes parking or traffic requirements, causes obstruction of the highway, or presents a danger to other road users or pedestrians. Any street trading which negatively impacts public access by walking, cycling or public transport will generally be refused.

The Council would expect a minimum of (1.5m) of unobstructed highway/walkway on at least one side of the proposed trading unit/location without causing undue interference or inconvenience to persons using the street. Any proposal to use additional signage such as an A-board will need to be included with the application, as the location and size will need to be considered as part of the determination process.

The retail offer of each individual unit will be considered, the goods should complement and not conflict with the goods sold by other established business and traders within the location. The Council does however recognise that the surrounding retail offer is subject to change. The application shall clearly indicate the locations of other existing businesses and traders, trading in similar commodities in an 800m radius to those proposed location and deliver notices to similar traders and premises identified giving details of the application.

The applicant must also deliver notices to the nearest six premises (being residential, commercial, or otherwise) to the proposed site giving details of the application. Evidence of notices delivered to traders and premises should be produced on request. A draft notice can be found on the council website.

Where any proposed trading is within 50 metres of a school perimeter, the Council will seek the views of the school.

Appearance of the Unit or Vehicle

Full details of the unit or vehicle which the applicant intends to use must be supplied to the Council at the time of making the application, including 3 colour photographs. Arrangements maybe made for the Unit or Vehicle to be inspected by a duly authorised officer prior to the application being considered.

Trading units should not significantly detract from the visual appearance of a particular location and may even enhance the setting and be constructed in a suitable scale, style and using appropriate materials. The unit should also be designed to be accessible for all customers and advertising material must be limited e.g., the name of the unit, the type of product sold, and a simple price list suitably designed and printed.

The Council will generally not permit trading units where the unit fully, or substantially, blocks lines of sight to established traders in the location.

Public Nuisance

The street trading activity must not cause nuisance to the public, or properties in the location, from obstruction, misbehaviour, noise, refuse, vermin, fumes, and smells etc. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be made to the character of the neighbourhood.

Applicants will need to demonstrate steps to be taken to reduce litter and waste in locations, throughout the day and at close of business.

Public Safety

The street trading activity must not present a substantial 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.

Overcrowding of the site/area includes the capacity of the street trading area having regard to the potential maximum attendance on the site by the public, and the consequent risk of over congestion impacting adjacent roads to the site.

Applicants will need to demonstrate steps to be taken to reduce the risk to public order in respect of applicants wishing to trade at later hours should be included in an application. This should include management of potential flash points and dispersal of customers.

Environmental Credentials

Steps taken to promote environmental sustainability should be included in an application. The application shall outline the impact of the proposed operation on the local environment, including power supply, carbon footprint, supply chain, packaging, waste minimisation and recycling, waste disposal and waste created by customers. Noise and pollution levels caused by generator will also be a consideration as will the anticipated impact on wildlife or the public enjoyment of a particular setting (e.g. Lighting and noise may impact on wildlife and disturb the tranquillity of some green spaces).

The Council will encourage the use of sustainable products and will consider the trader's environmental credentials in respect of these when considering whether to approve applications.

Renewals

Renewal forms and fees are available on the Council website. Consents are issued for a set date or dates or for a period of up to one year. Consent holders should reapply for a consent if they wish to continue to trade at least one month before the expiry of their current Consent. As a matter of convenience, the Council will send renewal reminders to Consent holders via electronic contact details given at the time of application.

However, the Council is clear that it remains the consent holder's responsibility to ensure that their consent is renewed in time. If, without reasonable excuse, a renewal application is not made before the expiry of the current consent it will expire and the site will become available, and a new application must be submitted in accordance with the new application procedure.

At renewal, the Council may consult further to determine if the street trading is a cause for concern or has been the subject of complaints. Where a renewal application has been made and if:

- there have been no significant complaints, compliance, or enforcement issues;
- all fees have been paid on time; and
- there has been no significant change to the retail environment in the location of trading the consent will normally be renewed.

If the applicant has without reasonable excuse failed to use the consent to a reasonable extent a renewal application could be refused.

Transfers

The sub-letting of a consent to another party is not permitted. Consents can be transferred from one holder to another, if the holder of the consent is the only change being made. Forms and fees are available on the Council website.

Variations

A request to vary the location of the consent will be treated as a new application for the new location. Holders of a consent may apply to vary it, for example by requesting a change of trading hours or goods. Forms and fees are available on the Council website.

Decision to Refuse or Revoke a Consent

The power to grant a street trading consent is discretionary; and the Council may refuse to grant a street trading consent if they deem it appropriate to do so. Such decisions will be made in accordance with the Council's scheme of delegation.

If an application is refused the applicant will be informed of the reason for the refusal within 21 days of the decision being made.

Failure to comply with the conditions of the consent may result in the revocation or refusal to renew, a consent. In certain circumstances, formal action such as prosecution may be the most appropriate course of action. If a consent is revoked the holder will be informed of the reason for the revocation within 21 days of the decision being made.

Appeals

There is no statutory right of appeal in respect of refusal or revocation of 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.

If more than one application is received for any new or vacant site, or a high number of objections against an application are received, these applications will be considered in consultation with the Chair or Vice Chair of the General Licensing Committee. All applications will be assessed against the assessment criteria and to ensure the process is open, fair and transparent, if an application is refused full and clear written reasons will be given.

Applicants also have recourse to the Council's complaints procedure if the applicant considers that a Council service has not been properly delivered.

Compliance and Enforcement

The Council has a responsibility to regulate street trading in the borough and is therefore committed to enforcing the provisions contained within the relevant legislation and this policy and to work in partnership with all enforcement agencies. Where street trading activities are conducted without appropriate consents the Council will look to gather evidence and take appropriate enforcement decisions in accordance with the Councils adopted enforcement policy.

Obtaining a consent does not confer the holder immunity regarding other legislation that may apply, e.g., Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning Controls, and consent holders should ensure all such permissions are in place.

In undertaking compliance and enforcement action the Council may call for assistance from Cleveland Police and will make use of CCTV recordings as evidence.

Conditions Attached to Street Trading Consents

Consents will carry standard conditions in all cases in addition the Council can impose additional conditions including operating hours and goods offered, where it is deemed appropriate and will be relevant to the category of consent issued and the nature of the local environment.

Failure on the part of the consent holder (or any other person employed to assist in trading) to comply with any of the conditions imposed may lead to the revocation of the consent or to the Council refusing to renew the consent.

APPENDIX 1

STANDARD CONDITIONS (TO BE USED ON ALL CONSENTS ISSUED)

The Site

CSTS1	The Site cannot be used for any purpose other than the operation of the Unit as described and agreed within the consent and plan attached to the consent.
CSTS2	Only Trading in accordance with the times and days stated on consent is permitted.
CSTS3	Facilities for the collection of all waste, refuse or litter arising due to the activity must be provided. The refuse storage must be of a substantial construction, suitable covered containers. All must be removed from the site at the end of each day of trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
CSTS4	Clear routes of access to the site will be maintained, taking into account the needs of disabled people and the recommended 1.5m minimum footway widths and distances required for access by mobility impaired and visually impaired people. Trading cannot operate in such a way as to cause danger or annoyance to persons using the street.
CSTS5	<p>Activities will not:</p> <ul style="list-style-type: none"> a. prevents traffic, other than vehicular traffic, from— <ul style="list-style-type: none"> i. entering the relevant highway at a place where such traffic could otherwise enter it (ignoring any pedestrian planning order or traffic order made in relation to the highway), ii. passing along the relevant highway, or iii. having normal access to premises adjoining the relevant highway b. prevents any use of vehicles which is permitted by a pedestrian planning order, or which is not prohibited by a traffic order, c. prevents statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or d. prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.
CSTS6	Statutory and Emergency services will be permitted 24hr emergency access – without notice. The Council may temporarily revoke the consent where an alternative use for the highway is required for example emergency highway maintenance, emergency scaffold access or use of the highway during events that are supported by the local authority. The local authority will not be liable for any loss of earnings arising from the suspension of the consent.

The Unit

CSTU1	The dimensions and appearance of the Unit shall at all times follow the details described and agreed within the consent and plan attached to the consent.
CSTU2	At all times while trading the consent issued by the Council must be displayed in a conspicuous position on the Unit. For temporary event consents the consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last units.
CSTU3	The Unit shall be clean and tidy and securely erected. The Unit is of such material and design, and so constructed and maintained that it is not liable to cause injury to any person present on the site or otherwise.
CSTU4	Liquefied petroleum gas is not used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
CSTU5	The use and storage of liquefied petroleum gas complies with any relevant codes of practice.
CSTU6	Goods will not be inflammable, corrosive or otherwise dangerous nature.
CSTU7	No mobile generators are used without the express permission of the Council. Where permission is granted, generators shall be so positioned that they do not present a danger to the public, do not present a fire or similar hazard to the unit, goods displayed thereon, or adjoining premises and do not cause any contamination, noise, or fume nuisance.
CSTU8	Documentation must be provided to show that the generators have been maintained in accordance with the manufacturer’s instructions.
CSTU9	No combustible materials are to be stored in the vicinity of a generator and suitable first aid, firefighting appliance(s) must be immediately available.
CSTU10	All equipment is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
CSTU11	All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
CSTU12	All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported. All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them must be fitted with rubber cable protecting mats/covers, have demarcation or warning signage to make them easily visible to the public and not pose a tripping hazard.

CSTU13	Authorised vehicles must be roadworthy and valid Road Tax, MOT and vehicle insurance which includes cover for the purpose of street trading.
CSTU14	No unit or vehicle shall remain situated in the location for longer than one hour after the authorised trading time(s).
CSTU15	The holder of the consent 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.
CSTU16	The holder of the consent shall ensure that where the stall / vehicle / unit has a 240 volt electrical system that an up to date annual electrical safety certificate is in force.
CSTU17	The holder of the consent shall ensure that where gas cylinders are used that an up to date annual gas safety certificate is in force.
CSTU18	The holder of the consent 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.

The Consent Holder

CSTH1	Public Liability insurance cover for the unit and site shall be maintained and shall indemnify the local authority against all claims in respect of injury, damage or loss arising out of the granting of permission, (e.g., damage to the highway or highway furniture) to a minimum value of £5,000,000 unless such claims arise out of the local authorities' own negligence. Insurance applies to individual applicants and event organisers.
CSTH2	The consent holder must adequately manage the street trading activity so as not to cause a statutory or public nuisance e.g., from noise, fumes, and odour to any other person, whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site.
CSTH3	The consent holder must pay the Council the cost of carrying out any works, including cleansing of the highway or making good any damage, that is required due to the consent holders use of the Unit and Site. The permanent surface reinstatement shall be carried out to the satisfaction of the local authority.
CSTH4	The consent holder will observe all statutory and other provisions and regulations for the time being in force which relate to the consent holders use of the site.
CSTH5	The consent holder will be required to take responsibility for and supervise their licensed areas and so far, as is reasonable to ensure that patrons or customers of the site conduct themselves in an orderly manner.

CSTH6	Where authorised by a consent issued under the Licensing Act 2003, alcohol must only be served in polycarbonate or plastic containers.
CSTH7	The consent holder will inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of named assistants) or the sale or transfer of the business to another party.
CSTH8	The consent holder shall notify the Council in writing within 72 hours if they or an assistant is under investigation for or convicted of any offences, including formal cautions and fixed penalty notices.
CSTH9	The Council may at any time vary the conditions of a street trading consent or revoke / suspend this consent in the event of: <ul style="list-style-type: none"> • The breach by the consent holder or named assistants of any of the conditions attached to the consent; • Work being carried out in, under or over the highway on which the Unit is located; • Change in Council Policy which necessitates termination of this consent; • Circumstances outside the Councils control which necessitate termination of this consent.
CSTH10	No furniture or equipment other than as permitted by the consent can be used. If furniture or equipment have been approved, they remain in a clean and tidy condition and not obstruct the entrance or exit from any premises.
CSTH11	No consent holder shall trade at the authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
CSTH12	The consent holder is encouraged to use sustainable packaging and adopt an environmentally friendly approach throughout the operation of the business to minimise the impact on the environment

ADDITIONAL CONDITIONS FOR ROAMING CONSENT TRADERS

CSTR1	Any proposed trading within 50 metres of a school perimeter, is not permitted without prior agreement. The Council will seek the views of the schools in these cases.
CSTR2	Trading is limited in any one location for 20 minutes at any one time and the trader shall not return to that particular location within 4 hours of leaving it.
CSTR3	The consent holder shall comply with all traffic regulations, rules, orders, and directions which apply to the public highways on which the holder trades.

	<p>The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.</p> <p>www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes</p>
--	--

EXAMPLE ADDITIONAL CONDITIONS (THIS LIST IS NOT EXHAUSTIVE)

	<p>The consent holder must not permit the sale of offensive weapons including imitation firearms, firearms, airguns, swords, and crossbows.</p>
	<p>The Consent holder must not sell a knife to anyone under 18.</p>
	<p>The trader shall not exhibit on the site any advertising signs, stands, posters or such except as may be approved by the Council.</p>
	<p>No animal shall be present on any unit or vehicle save assistance dogs in accordance with the Equality Act 2010.</p>
	<p>The trader is not permitted to hold any auction or like sale.</p>
	<p>There shall be no discharge of wastewater or other liquid waste onto the Consent site or surrounding areas.</p>
	<p>No form of amplified music shall be permitted.</p>

APPENDIX 2

CONVICTIONS POLICY – SPECIFIC OFFENCES

The following details the Council's general approach when dealing with to certain categories of offences for street trading purposes.

Dishonesty

The holders of a street trading consent and their assistants have to be persons who can be trusted. It is easy for a dishonest trader or assistant to take advantage of the public. Members of the public using a street trading outlet expect the holder and assistant to be honest and trustworthy.

For these reasons, a serious view will be taken of any conviction involving dishonesty. In general, an applicant for the grant or renewal of a street trading consent is unlikely be granted a street trading consent where the application is made within 3 to 5 years of a conviction or the date of release from a custodial sentence

Similarly, a person wishing to be registered as an assistant to a street trading consent holder is unlikely be to be registered where registration is sought within 3 to 5 years from the date of conviction or the date of release from a custodial sentence.

Violence

As street traders and their assistants have close contact with the public, a firm line will be taken with applicants who have convictions for violence. In cases where the commission of an offence involves loss of life, an applicant or assistant of a street trading consent will normally be refused. In other cases, a period of 3 to 10 years free of conviction from the date of conviction or the date of release where a custodial sentence has been imposed, depending upon the nature and seriousness of the offence(s), will generally be required before an application is likely to be considered favourably.

Drugs

Where an applicant has a conviction for an offence that relates to the supply or importation of drugs and the date of the conviction or the release from a custodial sentence has been imposed, is less than 5 to 10 years before the date of the application, an application will normally be refused. After 5 years from a conviction or the date of release from jail, where a custodial sentence has been imposed, the circumstances of the offence and any evidence which shows that a person is now a fit and proper person to hold a street trading consent or to be maned as an assistant will be taken into consideration.

An application will normally be refused where the applicant has a conviction for an offence relating to the possession of drugs and the date of the conviction or the release from a custodial sentence for such an offence has been imposed, is within 3 to 5 years of the date of the application. After a period of three years from conviction or the date of release from a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant or named assistant is a suitable person to hold a street trading consent.

An application will normally be refused where an applicant has more than one conviction for offences related to the possession of drugs and the last conviction or the date of release from jail, where a custodial sentence has been imposed, is less than 5 years before the date of the application.

Sexual and Indecency Offences

As the holders of street trading consents and their assistants, and in particular those who sell ice cream, have access to children, applicants who have convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003 will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent.

Where an applicant has a conviction for a sexual offence, they will normally be refused a street trading consent or registration as an assistant to the holder of a street trading consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

After a period of 5 years from conviction or the date of release from a custodial sentence consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent.

When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a street trading consent or to be named as an assistant of a street trading consent. In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a

period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

Motoring Convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant or assistant of a street trading consent is a suitable person. However, there may be instances where the offences are of a very serious nature. In those cases, an applicant for a street trading consent or to be named as an assistant would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from a custodial sentence.

Other Convictions

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 - The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. An applicant will normally be refused a licence if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

Formal Cautions and Fixed Penalty Notices

For the purposes of these guidelines, the Council will treat Formal Cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

APPENDIX 3**GLOSSARY**

The Act	Schedule 4: Local Government (Miscellaneous Provisions) Act 1982
The Council	Stockton-on-Tees Borough Council
Applicant	The individual who has submitted an application for a Street Trading Consent.
Consent Holder	An individual who holds a street trading consent and responsible for meeting the conditions attached to a consent.
Assistant	An individual named on the consent as assisting the consent holder in trading and meeting the conditions attached to the consent.
A Street	Local Government (Miscellaneous Provisions) Act 1982 Paragraph .1(1), Schedule 3 includes: any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980
A Street Trading Consent	Permission given by the Council to trade subject to conditions and payment of a fee.
Site	Area identified in the Consent.
Unit	Unit described in the Consent.
A Roundsman	An individual who visits a “round” of customers and delivers the pre-orders of those customers, i.e., a milkman. Trading from an ice-cream van or mobile food van is not classed as a roundsman.
A Pedlar	A Pedlar must 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”.
News Vendor	The only articles sold or exposed or offered for sale are newspapers or periodicals; and they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:- exceed 1m in length or width or 2m in height; occupy a ground area exceeding 0.25 sq./m; stand on the carriageway of a street.
Mobile Trader	A Mobile Trader is one that visits more than one location within the Borough and: Continually moves from location to location.

	<p>Does not wait in one location for more than 20 minutes.</p> <p>Moves at least 50 metres from the last trading location.</p> <p>Does not return to the same trading location within 4 hours.</p>
Licensing Officer	<p>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).</p>