

# SCARBOROUGH BOROUGH COUNCIL

## LICENSING COMMITTEE

At a meeting to be held at **2.00 pm** on **Monday, 13 March 2017**  
at the Town Hall - Scarborough

### AGENDA

- 1. DECLARATIONS OF INTEREST** (Pages 1 - 2)  
Members are reminded of the need to consider whether they have a personal or prejudicial interest to declare in any of the items on this agenda. If so, the nature of the interest must be declared at the start of the meeting. In addition, the attached form must be completed and passed to the Committee Administrator. The Officers will be pleased to advise, if necessary, and any request for assistance should be made, in the first instance, to the Committee Administrator whose name appears at the end of this agenda. Ideally, such advice should be sought before the day of the meeting so that time is available to consider any uncertainty that might arise.
- 2. MINUTES** (Pages 3 - 6)  
To approve as a correct record and sign the Minutes of the meeting held on Monday 5<sup>th</sup> December 2016. (Minutes attached)
- 3. PUBLIC QUESTION TIME**  
Public questions of which due notice has been given and which are relevant to the business of the Committee.
- 4. LEGAL UPDATE**  
To receive a verbal report from the Legal Advisor to the meeting.
- 5. STREET TRADING - INTRODUCTION OF NEW POLICY AND FEES, AND RESOLUTION TO DESIGNATE STREETS AS CONSENT STREETS UNDER SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (POST CONSULTATION)** (Pages 7 - 120)  
To consider a report by the Director LD (Reference: 17/61) attached

*(N.B. If you have any questions, need further information about the meeting or require special facilities in order to attend, please contact Anna Wood, Democratic Services Officer, Town Hall, St. Nicholas Street, Scarborough – 01723 232307 Fax 0870 238 4159 or e-mail [Anna.Wood@scarborough.gov.uk](mailto:Anna.Wood@scarborough.gov.uk).)*

## NOTES

## MEMBERS' DECLARATIONS OF INTERESTS

Name:	
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Meeting:	
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Date:	
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Agenda No & Item	
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Nature of Interest:	
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*If you are uncertain whether you have an interest, please seek officer advice before the meeting.*

Is the interest:

a disclosable pecuniary interest?

personal and non-prejudicial?

personal and prejudicial?

(Please put an X against the appropriate interest and email to the Clerk for the meeting)

## NOTES

## LICENSING COMMITTEE

At a meeting held on Monday, 5th December, 2016

Present:-

Councillor M Smith (Chairman) in the Chair;  
Councillors G W Allanson, P Cross, R Moody, Mrs J E Mortimer, N K Murphy,  
Miss R K Murphy, J Nock, C Pearson, N Price, Ms R Swiers, C Walsh and J  
Warburton

*At the invitation of the Chairman, the Licensing Manager reported that this would be her last Committee meeting as she was leaving the employment of the Council on 23rd December 2016. The Licensing Manager thanked the Committee members, and all parties involved in licensing, for their support to the Licensing Team. The new Commercial Regulation Manager was introduced to the Committee.*

*The Chairman responded by thanking the Licensing Manager for the hard work and support she had given to this Committee and wished her well for the future.*

### 1. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 2. **MINUTES**

**RESOLVED** that the Minutes of the meeting held on 12 September 2016 be approved as a correct record and signed by the Chairman.

### 3. **PUBLIC QUESTION TIME**

The Chairman reported that no public questions had been received.

### 4. **LEGAL UPDATE**

The Legal Officer advised that there was no update.

### 5. **CONSULTATION ON A NEW STREET TRADING POLICY, FEES AND RESOLUTION TO DESIGNATE ALL STREETS IN THE BOROUGH AS CONSENT STREETS FOR STREET TRADING PURPOSES**

The Committee considered a report of the Director (LD) (Reference 16/282) regarding Consultation on a new Street Trading Policy, Fees and Resolution to designate all streets in the Borough as consent streets for street trading purposes.

The Environment and Regulation Manager reported that the Council did not have a Street Trading Policy (the Policy). The existing street trading arrangements with streets classified under three statutory designations, managed by different Sections within the Council made a co-ordinated approach difficult. Designating all streets as 'Consent Streets' administered by the Licensing Authority would mean that there was a transparent and consistent approach to street trading. The Policy would provide the framework for applications and enforcement.

The consultation on the Policy would take place over an 8 week period from 14 December 2016 until 8 February 2017 and until 10 February 2017 in respect of re-designating the streets. Following the consultation a report

would be brought to both the Licensing Committee and Cabinet in March and April 2017, followed by a resolution at Full Council on 8 May 2017 which would include setting the fees. The timetable was set out in the Action Plan at paragraph 7.1 of the report.

The Environment and Regulation Manager recommended that the Policy, associated fees for consultation and the action plan with further reports being brought to this Committee and Cabinet be approved as per the recommendation in the report.

Members were concerned that there might be unintended consequences for charity stalls. The Licensing Manager advised that charity stalls would be charged £15 per day if they did not have a Street Collection Permit. A Street Collection Permit holder can also sell items from a stall, so the £15 charge would not apply.

Members asked that members of the public were made aware of the consultation as it would affect many events. The Licensing Manager advised that there would be a press release and information on the website.

Members asked about rough sleepers and begging and whether this fell under street trading? The Legal Officer advised that this would be incorporated under different legislation.

Members asked for clarity on cafes with chairs and tables on the pavement and shops where goods overspilled onto the pavement. In respect of cafes with outside seating this was covered by an amenity licence from North Yorkshire County Council and did not constitute street trading as the purchase was made inside the premises. Similarly with goods on the pavement, the purchase is made inside the shop and is covered by different legislation.

**RESOLVED** that:-

- i) the report be received;
- ii) the Action Plan at paragraph 7.1 of the report be approved;
- iii) the new draft Street Trading Policy and associated fees be approved for consultation as outlined in the above mentioned Action Plan; and
- iv) following the consultation period the Policy and associated fees (together with a summary of key consultation comments) be brought back to this Committee on 13 March 2017 for Members to recommend for approval. The final Policy and fees will then be presented to Cabinet and subsequently Full Council for formal adoption.

**Members' reasons:** Members resolved to commence the consultation process to bring about the adoption of the Street Trading Policy and redesignation of all streets in the Borough as 'Consent Streets' to provide the Council with the framework to effectively regulate street trading activities with a transparent and consistent approach.

## **6. REVIEW OF CURRENT LIMIT ON THE NUMBER OF HACKNEY CARRIAGE VEHICLES**

The Committee considered a report of the Director (LD) (Reference 16/260) regarding a review of the current limit on the number of Hackney Carriage Vehicles.

The Environment and Regulation Manager reported that the retention of the current limit of 105 Hackney Carriages had been agreed in March 2015. If members wished to continue to limit the number then an Unmet Demand Survey would have to be undertaken as this was required every three years.

Members had two options, either to decide to continue to restrict the number of Hackney Carriages and undertake the unmet survey or decide to deregulate the number. The latter would require a major change in policy and further consultation. Derestriction would not mean that there would be a drop in standards as applicants would have to meet the same requirements as at present. The cost of the last unmet survey, which in 2014 was £7,730, will be initially paid by the Council and recouped through the Hackney Carriage Licensing fee.

**RESOLVED** that:-

- i) the report be received;
- ii) the restriction on the number of Hackney Carriage Vehicles be continued: and
- iii) Licensing Officers undertake a procurement exercise to determine the consultancy to undertake the Unmet Demand Survey in 2017, to consider whether or not there is any significant unmet demand in service provision.

**Members' reasons:-** to undertake the Unmet Demand Survey while continuing to restrict the number of Hackney Carriages to prevent the Council's policy from being open to challenge by means of judicial review.

## **7. REVIEW OF THE COUNCILS TAXI AND PRIVATE HIRE POLICY (POST CONSULTATION)**

The Committee considered a report of the Director (LD) (Reference 16/261) regarding a review of the Council's Taxi and Private Hire Policy (post consultation).

The Licensing Officer reported that 323 responses had been received and the analysis was set out in Appendix 1 of the report. Amendments had been made to the Taxi and Private Hire Policy (the Policy) as a result of the consultation and these had been incorporated into Appendix 4 of the report and were brought to the attention of the Committee.

In particular the requirements to have an MOT at the Council Depot and increasing the minimum tyre tread to 2 mm had been retained as officers considered that the reasoning for introducing these remained, despite objections received.

The Licensing Officers recommended that the Policy be approved as set out in the report.

Members were concerned that there would be no delay to taxi drivers either in booking the MOT test, because the facility would also be available to members of the public, and that the equipment and structure were all in place to run as efficiently as possible. The Operations and Countryside Manager advised that the previous system of compliance checks being undertaken in April and October would now be done on a rolling basis throughout the year. Monitoring would take place to ensure that the system was robust. A business continuity plan was in place in case of equipment failure.

**RESOLVED** that:-


- i) the report be received;
- ii) the analysis of the results of the consultation on the Policy (as attached at Appendix 1 to the report) be noted;

- iii) the consultation comments and amendments made to the draft Policy were duly considered and noted (as attached at Appendix 2 to the report);
- iv) the results of the Equality Impact Assessment (as attached at Appendix 3 to the report) be noted;
- v) the amended draft Taxi and Private Hire Licensing Policy post consultation (as attached at Appendix 4 to the report) be recommended for approval by Cabinet and Council for adoption.

**Members' reasons:** Members approved the amendments to the draft Policy as they considered that the report was thorough and the reasoning for the amendments had been satisfactorily covered in the report.

**Chairman**



	<p style="text-align: center;"><b>REPORT TO LICENSING COMMITTEE TO BE HELD ON 13 MARCH 2017</b></p>
	<p><b>Corporate Priorities</b></p> <p><b>Meets all Corporate Priorities</b></p>

**REPORT OF: THE DIRECTOR (LD) – 17/61**

**WARDS AFFECTED: All**

**SUBJECT: STREET TRADING – INTRODUCTION OF NEW POLICY AND FEES, AND RESOLUTION TO DESIGNATE STREETS AS CONSENT STREETS UNDER SCHEDULE 4 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 (POST CONSULTATION)**

## **RECOMMENDATIONS:**

Members are asked to:

- (i) Note the analysis of the results of the consultation on the Street Trading Policy (attached at **Appendix 1**)
- (ii) Consider the consultation comments and amendments made to the draft Policy as a result (attached at **Appendix 2**)
- (iii) Note the results of the Equality Impact Assessment (attached at **Appendix 3**)
- (iv) Approve the amended draft Street Trading Policy (attached at **Appendix 4**) post consultation; and
- (v) Recommend its approval by Cabinet and Council for adoption.

## **REASON FOR RECOMMENDATION:**

The Council currently has a limited ability to effectively regulate street trading activities in the Borough, in the form of enforcing parking restrictions or dealing with nuisance complaints. Over recent years there have been growing concerns from existing businesses, particularly during the Spring and Summer seasons, in relation to unauthorised street trading. The adoption of a Street Trading Policy, along with a Resolution to be made by Cabinet to re-designate all streets in the Borough as 'consent streets' under the Local Government (Miscellaneous Provisions) Act 1982, will provide the Council with the framework to effectively regulate such activities in its area.

## **HIGHLIGHTED RISKS:**

A failure to establish a proper framework to regulate street trading activities will ensure that complaints received by the Council will continue to grow, with an associated risk to its reputation. Furthermore, road and public safety may be compromised through the inappropriate siting of street traders on the highways located in the Borough.

### **1. INTRODUCTION**

- 1.1 The Council does not currently have an adopted Street Trading Policy in place.
- 1.2 The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) to regulate street trading by designating streets in its area under one of three statutory designations. Where streets have been so designated, the Council has the ability to authorise trading on those streets on certain terms, and to regulate unauthorised trading.
- 1.3 Individual streets in the Council's area have been designated into each of the three statutory designations in a very piecemeal fashion between the years of 1983 and 2001. This has resulted in streets within the Borough being designated into each of the designations and some streets having no designation at all.
- 1.4 The Council historically has not had one single point of contact to manage the process of authorising and regulating street trading, but rather has sought to take a corporate approach, with several service areas seeking to deal with enquiries and complaints from the traders and the public. This has led to inconsistencies in approach and an ineffective enforcement regime.
- 1.5 Complaints have been received from members of the public and existing premises-based traders with regard to the Council's lack of enforcement of unauthorised street trading and the Council has found it difficult to take robust enforcement action given the lack of single point of accountability and inconsistent street designation and approach.
- 1.6 The Licensing Authority is therefore seeking to implement a new Street Trading Policy to bring clarity, transparency, and accountability to the process.
- 1.7 Alongside the adoption of the new Policy it is proposed that all the streets in the Borough be re-designated under the 1982 Act, so that rather than streets being designated into different classifications under the legislation, with different rules applying to each designation, they all are brought together into the same designation, thus allowing for more straightforward regulation and enforcement of the street trading regime.

1.8 It will be important that the Policy is periodically reviewed and updated, where appropriate, so that it remains current, clear and effective whilst providing street traders and the public with a clear understanding of how such services are administered. It will also ensure a consistency in approach by Council officers thus ensuring fairness, openness and consistency to the trade. It is anticipated a major review of the Policy will be carried out every five years.

1.9 Members are asked to note the comments and responses attached to this report and to approve the amended draft Policy at **Appendix 4**.

## **2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN**

2.1 Given the economic advantages this Policy will provide to street traders, allied to introducing a much fairer system, improved customer service that properly regulates these activities, this report supports all four of the Council's Corporate Priorities.

## **3. BACKGROUND AND ISSUES**

3.1 Street trading is defined under the 1982 Act as:

'the selling or exposing or offering for sale of any article (including a living thing) in a street'

3.2 'A street' includes:

'(a) any road, footway, beach, or other area to which the public have access without payment; and

(b) a service area as defined in section 329 of the Highways Act 1980'

3.3 On 25 October 1982 the Council's Policy and Resources Committee resolved to adopt Schedule 4 of the 1982 Act, with effect from 1 April 1983.

3.4 This permitted the Council to designate streets in its area as either 'prohibited streets', 'licence' streets' or 'consent streets'.

3.5 Where a street is designated as a 'prohibited street' it is an offence to engage in trading on that street.

3.6 Where a street is designated as a 'licence street' or 'consent street' it is an offence to engage in trading on that street without first having obtained a licence or consent from the Council

3.7 The terms on which trading might be permitted are different depending on whether a street is designated as a licence street or a consent street. Streets which have not been designated as any of the three statutory designations are not within the jurisdiction of the Borough Council. This means that the Borough Council is not able to exert any form of control over trading in these streets, and matters would fall to the Highways Authority of the County Council to take action under their highways powers, if for example there was

an obstruction or danger on a public highway. Instances of unauthorised street trading, whilst being problematic for the Borough Council, its residents and businesses, are not always high on the list of priorities for the Highways Authority. It would therefore be beneficial for the Borough Council to be in a position to manage street trading on all of the streets in its area.

3.8 It can therefore be seen that, historically, as a result of a lack of current Street Trading Policy, a piecemeal designation of individual streets over a period of over 20 years, and an attempt to manage street trading on a corporate basis across various service areas, there has been an inconsistent approach to street trading across the Borough, which has made effective enforcement problematic.

3.9 In order to resolve this position it is necessary to do the following:-

3.9.1 Provide for a single point of accountability within the Council for the regulation and enforcement of the street trading regime, allowing for a clear point of contact for the public, whether that be for a prospective trader wishing to seek permission to trade lawfully on the Borough's streets, or a member of the public wishing to complain about unauthorised or problematic trading taking place.

3.9.2 Maximise the Council's control over street trading within the Borough by bringing all streets within the Borough into a single statutory designation.

3.9.3 Adopt a new Street Trading Policy to set out a transparent, objective and easily accessible framework, within which robust decisions can be taken to authorise or refuse applications to trade on the street, and effective enforcement action can be taken in the event of unauthorised trading being encountered.

3.10 It is therefore proposed that:

3.10.1 The street trading regime is administered by the Licensing Authority in line with other regulatory regimes under the 1982 Act. This has been taken into account in the recent review of the Service.

3.10.2 All streets in the Borough be re-designated from their present designation/lack of designation to become 'consent streets'. This form of designation affords the Council the maximum control, flexibility and discretion over the granting of street trading consents, and will enable straightforward and consistent management of the regime.

3.10.3 A new Street Trading Policy be adopted to provide a framework for decision making in respect of street trading applications and enforcement action in relation to street trading within the Borough.

3.11 The 1982 Act sets out a statutory process which must be followed in order to change the designation of streets. This required Cabinet to make a resolution which was then subject to consultation between 21 December 2016 and 10

February 2017. No representations were received relating to the resolution; therefore a further report will go to Cabinet on 14 March 2017 to obtain approval to re-designate all SBC's streets as consent streets.

## **4. CONSULTATION**

4.1 Consultation has taken place with the following:

- The general public via an online survey on the Council's website
- All local "street trading" businesses
- Local chambers of Commerce
- North Yorkshire Police
- North Yorkshire County Council
- Overview & Scrutiny Board
- Other interested/affected stakeholders such as SBC's Estates, Property, Legal, Finance, Economic Development and Tourism services

4.2 A consultation period of 8 weeks commenced on 21 December 2016 and concluded on 15 February 2017 (in terms of the Policy) and on 10 February 2017 (for the resolution re-designating streets).

4.3 A total of 137 responses were received to the consultation. Although responses indicate a general support for the Policy, a number of issues have been highlighted, some of which have resulted in both minor and more substantial changes to the Policy document.

## **5. ASSESSMENT**

5.1 It is important that the Council takes into account consultees' comments as part of the consultation process. Consideration of consultees' comments and reasons is clearly set out in **Appendix 2** of this report.

5.2 One key issue arising from the consultation related to the limited time periods for which a Consent could be issued. In particular it was highlighted that 3 months may not be a sufficient length of time to capture the seasonal trade, and that the inability to renew a 3 month permit created an additional barrier for applicants. Officers recognise that seasonal based traders may wish to trade in excess of 3 months which has resulted in an amendment to the Policy to include 6 month Consents thereby catering for additional seasonal trading. However, as 3 and 6 month Consents are deemed to be seasonal in nature, the proposal to allow only 12 month Consents to be renewed remains.

5.3 A number of comments were also received regarding the 10 working day proposed consultation period. After consideration of the comments received, Officers still believe that 10 working days represents a fair balance to all parties, in that it affords consultees with effectively 2 weeks to respond whilst also not unduly delaying applications. Members will note that where issues subsequently arise with a Consent holder, the Consent may be revoked at any time by the Council for a number of reasons, including but not limited to:

- non-compliance with policy, conditions or relevant legislation;
- causing a nuisance to local residents/businesses;
- changes in local conditions, e.g. parking restrictions;
- the consent holder receiving a criminal conviction or caution;
- compromising highway safety;
- preventing NYCC Highways Authority from undertaking its duties;
- street works necessitating a temporary suspension of the Consent; or
- any other reasonable grounds.

In relation to other comments received concerning the consultation process, Officers propose that as both Whitby and Filey Town Councils are likely to hold valuable knowledge of the local area, they also be included as consultees.

5.4 Consultees' also highlighted the potential impact on community and charitable events, their concerns broadly cover three key areas:

- That the requirement to obtain a basic criminal disclosure for such events was too onerous on the traders and organisers involved. Given these events are short-term and community focussed, it is considered that they represent a relatively low risk. As a consequence Officers are proposing that community and charitable based events be exempt from the requirement to obtain a basic criminal disclosure.
- That the fees for such events were excessive, particularly where only a small number of traders were to be involved. In response Officers are proposing a sliding fee scale be introduced relative to the number of traders involved with a maximum charge of £200. All fees shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
- That some community events may be financially disadvantaged, particularly those which are subsidised by street trading organised and conducted under the auspices of the event organisers. Officers consider that restricting trade during such events could unfairly disadvantage consent holders who have been issued a 3, 6 or 12 month Consent. In addition the number and frequency of such events taking place across the Borough may result in trading being excessively restricted, making a Consent unviable.

5.5 In addition to the above, concerns have been raised over the Council's ability to effectively enforce a street trading regime. Members will note that Section 7 of the Policy outlines the Council's approach to enforcement; which has been supplemented with a guidance document to address practical and operational matters pertinent to enforcement. Officers are confident that this will provide an effective and robust approach to enforcement, as is the case with other regulatory functions administered by the Council.

- 5.6 Members are now asked to consider the revised draft Policy and approve it for submission to Cabinet and Council for final adoption and implementation.

## **6. IMPLICATIONS**

### **Policy**

- 6.1 This report introduces a new Policy to regulate street trading in the Borough.

### **Financial Implications**

- 6.2 The failure of the Council to consult on this draft policy and Resolution to re-designate streets in the Borough under the provisions of the 1982 Act, to consider and where necessary, take on board any comments received in proposing and adopting a final policy may result in a Judicial Review being brought against the Council.

- 6.3 The costs involved will be met from existing budgets.

### **Legal**

- 6.4 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may designate any of the streets in its area as prohibited, consent or licence streets in terms of street trading. It may also charge a reasonable fee(s) for any consents it issues, and place conditions on the consent to trade. A person who is aggrieved by the Council's decision either to refuse to issue a consent, or revoke an existing one has the option to seek judicial review of the decision made.

### **Crime and Disorder**

- 6.5 Under s17 of the Crime and Disorder Act 1998 the Council has a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.
- 6.6 In addition there are obvious links to community safety in ensuring that street trading activities do not adversely impact on, for example other road users or nearby properties in terms of potential public nuisance from such activities.

### **Equality and Diversity**

- 6.7 This report and Policy has been prepared in accordance with the Council's Corporate Equalities Scheme.

## **7. ACTION PLAN**

- 7.1 If a recommendation is given to approve the revised draft Policy, the following timetable is suggested:
- (a) A report be submitted to Cabinet on 11 April 2017, including all comments received during the consultation together with the reasons for their inclusion (or not) in the final proposed Policy and fees.

- (b) Provided the final proposed Policy and fees are recommended by the Licensing Committee and Cabinet, a report will then be submitted to Full Council on 8 May 2017 requesting adoption of the final Street trading Policy and fees.
- (c) Final Street trading Policy, fees and Resolution to re-designate streets become effective – 9 May 2017.

A handwritten signature in black ink that reads "Lisa Dixon". The signature is written in a cursive style and is underlined with a single horizontal line.

**Lisa Dixon**  
**Director**

**Authors: Mark Heaton**

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E-mail address: [mark.heaton@scarborough.gov.uk](mailto:mark.heaton@scarborough.gov.uk)

**Background Papers:**

Local Government (Miscellaneous Provisions) Act 1982.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT THE AUTHOR.



## Risk Matrix

<b>Risk Ref</b>	<b>Date</b>	<b>Risk</b>	<b>Consequences</b>	<b>Mitigation</b>	<b>Current Risk Score</b>	<b>Target Score</b>	<b>Service Unit Manager/ Responsible Officer</b>	<b>Action Plan</b>
1	22/11/16	Failure to have an effective Street Trading Policy in place	Limited and inconsistent approach to decision making and enforcement of street trading activities, potential for challenge to legality of decision making, potential to compromise safety of other road users, continued receipt of complaints from public and premises-based traders in respect of unauthorised street trading, limited ability to take robust enforcement action	None	D3	A1	JB	Introduction of a comprehensive and transparent Policy, following a consultation exercise with stakeholders, to allow greater consistency and fairness in regulating street trading activities
2	22/11/16	Failure to designate all streets in Borough as consent streets	Status quo of mixed designations would remain, lack of certainty around designation status of streets due to piecemeal method of designation to date would continue to prevent effective regulation and enforcement of unauthorised street trading	None	D3	A1	RLJ	Re-designation of all streets in Borough as 'consent streets' to introduce clarity and consistency of approach

## Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

## Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
			A	B	C	D
		Likelihood				

### Likelihood:

A = Very Low  
 B = Not Likely  
 C = Likely  
 D = Very Likely  
 E = Almost Certain

### Impact

1 = Low  
 2 = Minor  
 3 = Medium  
 4 = Major  
 5 = Disaster

# **APPENDIX 1**

## **Analysis**



*A great place to live, work & play*

# **Scarborough Borough Council**

## **Street Trading Policy 2017 Consultation**



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## Street Trading Policy 2017 Consultation

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The Street Trading Policy 2017 consultation was undertaken during the period 21 December 2016 to 15 February 2017.

A questionnaire style survey was sent to the residents panel, traders & businesses, Councillors and voluntary organisations.

A copy of the consultation was also placed on-line for the general public to comment on the policy.

A total of 137 responses were received for this survey.

Responses to this consultation were received from the following organisations:

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SBTA  
Debenhams  
Atlanta Hotel  
1935  
Aakschipper Images  
Holiday cottage business  
Carers Resource  
Snows of Scarborough Ltd  
Beachdale Guesthouse  
The Rotary Club of Scarborough Cavaliers  
Orchard Lodge  
Guest House Owner  
Seamer Parish Council  
Harome Holdings Ltd  
storm wine bar  
Toulson Court  
North Bay Railway  
Red Lea Hotel  
The Forge Guest house  
Eastborough Traders  
Care Home  
Shepherds Hall Tea Rooms  
Whitby Regatta  
Bay View Coffee House  
Startrucks  
Scalby Fair  
Angies Ice Cream  
Whitby District Tourism Association (WDTA)  
Cloughton Parish Council  
Whitby Town Council  
The Star Inn The Harbour

## Draft Street Trading Policy 2017

Scarborough Borough Council has launched a public consultation regarding the introduction of a new Street Trading Policy which will outline the Council's approach to the licensing of street trading. The policy seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local area.

**Section 2.1. By introducing a Street Trading Policy, the Council seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses.**

Do you agree with the overall Objectives?

	%
Yes	84.6%
No	8.1%
Don't know/No opinion	7.4%

**Section 3.3. In the interests of clarity, consistency and fairness, the Council is proposing to make all streets 'Consent Streets' throughout the Borough, i.e., trading on any street within the Borough where the public have access without payment, will require the permission of the Council.**

Do you consider this to be reasonable?

	%
Yes	83.1%
No	14.7%
Don't know/No opinion	2.2%

**Section 4.0. The proposed application process is outlined at section 4 of the policy. The council believes this process to be robust and fair whilst also providing appropriate safeguards for local residents and businesses within the Borough.**

Do you agree the process achieves these aims?

	%
Yes	75.6%
No	12.6%
Don't know/No opinion	11.9%

**Section 4.1.4. As part of the application process, an applicant is required to produce a basic Disclosure & Barring Service Criminal Disclosure Certificate dated within 3 months of the application.**

Do you agree this requirement is reasonable in the interests of an applicant's suitability and public safety?

	%
Yes	83.6%
No	14.2%
Don't know/No opinion	2.2%

**Section 4.2. It is proposed to offer general Street Trading Consents for periods of 3 and 12 months only, however only holders of a 12 month Consent will be able to renew their Consent.**

Do you consider this to be reasonable?

	%
Yes	72.6%
No	21.5%
Don't know/No opinion	5.9%

**Section 5.1.1. The Council is proposing to consult with a number of key stakeholders including North Yorkshire County Council Highways Authority, Trading Standards, North Yorkshire Police and North Yorkshire Fire & Rescue Services. In addition it is proposed to consult with a number of departments within the Council such as Planning, Environmental Services, Tourism & Culture, and Safer Communities etc.**

Do you agree with the full list of proposed consultees as outlined in para 5.1.1 of the Policy?

	%
Yes	84.4%
No	12.6%
Don't know/No opinion	3.0%

**Section 5.1.2. When considering applications the Council has proposed a consultation period of 10 working days for consultees to respond with any objections or comments relating to the application.**

Do you consider a period of 10 working days to be sufficient?

	%
Yes	69.1%
No	26.5%
Don't know/No opinion	4.4%

**Section 5.1.4. When considering applications the Council will take into account the objectives of the policy in addition to a number of other relevant factors. These include public order, nuisance and safety, the needs of the area, highway requirements, and suitability of the applicant, proposed location and type of vehicle/stall together with any environmental considerations.**

Do you agree that the factors to be considered are sufficient?

	%
Yes	92.5%
No	7.5%
Don't know/No opinion	0.0%



**Section 7.4. It is important that the Council has the ability to amend, revoke or choose not to renew a Street Trading Consent where justifiable. Reasons for the Council taking such action may include non-compliance, nuisance, obstruction, safety or any other reasonable grounds.**

Do you support the reasons as summarised above and set out in the Policy at 7.4?

	%
Yes	94.0%
No	3.0%
Don't know/No opinion	3.0%

**Appendix A1. It is proposed to attach the standard conditions included at Appendix A of the policy to all Street Trading Consents. In particular the Council proposes to require Consent Holders and authorised assistant(s) to wear a street trader identification badge provided by the Council. In addition Consent Holders shall be required to display the Consent on the vehicle/stall to which it relates.**

Do you agree with the above conditions together with those included at Appendix A of the policy?

	%
Yes	92.6%
No	5.9%
Don't know/No opinion	1.5%

**3.4 and Appendix A2 - A4. It is also proposed to offer a number of Consents for Farmers' Markets, Charity and Community events, etc. Such events are sometimes ad-hoc and held over shorter timescales.**

Do you agree with these additional types of Street Trading Consents and the additional conditions proposed in respect of them?

	%
Yes	86.5%
No	11.3%
Don't know/No opinion	2.3%

## NOTES

## Draft Street Trading Policy 2017

**Section 2.1. By introducing a Street Trading Policy, the Council seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses.**

Do you agree with the overall Objectives?

Street Trading Policy - Section 2.1 Comments	Accepted into Policy?	Reason why or why not?
I think the traders that have been trading in the town centre make the precinct look more tatty and run down.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance.
Street trading can only be the cause of more town center shops to be closed and at the rate this is happening at present we cannot be seen to condone the increase that I am sure it would cause.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.
The Street traders that currently operate in the precinct are scruffy, and in the way some of the time,	N/A	Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance.
As a trading partner within the town with business rates, these businesses are in direct competition with ourselves and don't bring in visitors to the town. I have no objections to markets in general, but the types of stalls I am seeing on the street do nothing for the towns appeal coffee tents in particular make the town centre look unloved. Why can't we have market stalls that promote Yorkshires great county with a farmers markets and bakery stalls.....	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. In addition the Policy includes requirements for stalls to have a high standard of presentation and appearance.

Street Trading Policy - Section 2.1 Comments	Accepted into Policy?	Reason why or why not?
Prejudices those business's which are established in retail premises	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.
The proposals seem draconian and entail large fees and too much administration for the traders and council officers. It feels like a nanny state trying to control everything. Why should street traders need a DBS, do all other shop keepers have them? Are they working alone with children? What one officer thinks is a 'smart' appearance for a stall or van will be different to another officer's or the public or trader's. Ruling that it must 'complement' and not cause 'nuisance' to shop owners is also up for debate as many might object just because they do not want competition outside. I think overall that this policy will deter people from applying meaning they will operate perhaps illegally taking their chances and will reduce the ambiance and vibrancy of the town centre if fewer stalls are present, especially charity or community groups.	No	Comment - The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, whilst also ensuring all street trading is effectively and comprehensively regulated. The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and to safeguard the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy. The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
In an area with closed shops, over national average amounts of second hand shops and tat shops, why would we ever want to encourage street trading? From my own observations, this brings dubious characters selling tat and rangam that either can be bought online, or is available in shops elsewhere in the town.	N/A	Comment - The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, whilst also ensuring all street trading is effectively and comprehensively regulated.

Street Trading Policy - Section 2.1 Comments	Accepted into Policy?	Reason why or why not?
Pavements are for people, not businesses.	N/A	Comment
<p>As an established mobile ice cream vendor covering Eastfield - Barrowcliff - Ayton, having built up over many years, I have seen first hand the issues with street trading when more than one van competes in the same area, my personal concerns are the safety of the children &amp; local pets, so many times I have witnessed near misses due to other companies trading on the rounds I have worked so very hard to establish. I know for a fact if more than one trader is allowed to trade in the same area it will lead to a serious accident as the children run between the vans. In the past I have helped lost children &amp; pets &amp; even stopped children from bullying other children. I strongly feel the licence issued should not only secure the traders area but also discourage an stop other companies from taking my hard earned income, these other vans appear every summer most are not insured displayed or even held a 5* hygiene rating an all have unfairly &amp; dangerously tried to make money from dangerously overtaking me, cutting me up, following me even to the point of threatening &amp; abusing me, the police have been involved a number of times. This is a very hard industry &amp; I have not only built a great reputation with my locals but the parents know an trust me too.</p>	N/A	<p>Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. In addition the Policy also aims to ensure all street trading is effectively and comprehensively regulated. Fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.</p>

Street Trading Policy - Section 2.1 Comments	Accepted into Policy?	Reason why or why not?
<p>My overheads include a substantial amount of cost including a 5* environmental hygiene certificate to achieve every year, goods in transit insurance, public &amp; product liability, level 2 food hygiene, catering insurance, commercial vehicle insurance &amp; road tax not to mention my advertising business pages. I believe the trader's licence to be a good idea but definitely feel it should be administered at a cost of no more than £100 per year due to the fact my trading is seasonal an has time restraints, an ice cream van is not allowed to sell weekends before 12 or after 7p m, weekdays 3 - 7pm limiting the hours we are able to earn an income &amp; if the licence was to be above £100 it would put an even greater financial strain on my takings &amp; feel the licence needs to be value for money. I am already working for less than the minimum wage but at least I am trying to earn a living an build up a business with a good reputation my locals &amp; Scarborough can be proud of. my main concern being I may be put out of business if the traders licence is not issued fairly, &amp; feel I will have no option than to fight for what I believe is right.</p>	N/A	<p>Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. The comments regarding the proposed fees and times of operation are noted, fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.</p>

## Draft Street Trading Policy 2016

**Section 3.3. In the interests of clarity, consistency and fairness, the Council is proposing to make all streets 'Consent Streets' throughout the Borough, i.e., trading on any street within the Borough where the public have access without payment, will require the permission of the Council.**

Do you consider this to be reasonable?

Street Trading Policy - Section 3.3 Comments	Accepted into Policy?	Reason why or why not?
<p>I do not believe that all streets are suitable for street trading for a whole number of reasons, space, layout , type of stalls and what they are selling can make the town appear downmarket.</p>	<p>N/A</p>	<p>Comment - It is acknowledged that not all streets may be suitable for street trading for the reasons outlined. Concerning the appearance of stalls, the Policy includes a requirement that stalls shall have a high standard of presentation and appearance and that the consent holder must satisfy all reasonable requirements of the Council in this regard. The Policy also states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.</p>
<p>I don't think there should be street traders. I think the council should encourage more businesses to move into the many empty shops that exist around the town. Businesses should be offered incentives to operate in the empty shops.</p>	<p>No</p>	<p>Comment - The Policy seeks to encourage a thriving street trading environment that will co-exist and benefit local premises based business.</p>

Street Trading Policy - Section 3.3 Comments	Accepted into Policy?	Reason why or why not?
street trading should be done in designated areas not inresidential areas	No	Comment - It is expected that street trading in residential areas shall be limited to occasional mobile vendors and alike. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated.
We have only in recent years formed a walk precinct to use it for this type of trade is in effect taking it away again even short term and when the Police in their wisdom stop a street lighting open event because of OVERCROWDING I know when the continental market was on the effect was horrendous as you could not walk down Westborough without being jostled at every step.	N/A	Comment - The effect on users of the highway is a key consideration when determining applications and already forms part of the Policy.
There's too much restriction in Scarborough as it is, I suppose it's more difficult ncome for the council	N/A	Comment - The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business. However it is equally important that all street trading is effectively and comprehensively regulated. The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
big brother	N/A	Comment
It should be unregulated trading	No	Comment - The objectives at section 2.1 of the Policy outline why It is important that all street trading is effectively and comprehensively regulated.



Street Trading Policy - Section 3.3 Comments	Accepted into Policy?	Reason why or why not?
The concept of Street Trading does not enhance the high quality standards which SBC should be promoting, Street trading lowers the quality of the urban environment.	N/A	Comment - The Policy seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. In addition the Policy specifically requires stalls to have a high standard of presentation and appearance.
All streets is over the top and in my view undesirable. The main Town Centre streets and shopping areas where the local footfall year-round is greatest together with the tourist/visitor areas where seasonal footfall is greatest should be the only areas where in my view it would not be unacceptable.	No	Comment - It is expected that street traders will mainly wish to trade in town centre areas and those with high footfall. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated.
Public streets are exactly that and putting in a regime that limits diversity, initiative and entrepreneurs is very sad.	N/A	Comment - The Policy seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. The Policy also aims to ensure all street trading is effectively and comprehensively regulated.
too restrictive, and does not encourage new flexible business, that may enhance the area, to trade	No	Comment - The Policy seeks to balance the needs of the public and street traders, whilst ensuring all street trading is effectively and comprehensively regulated.
It's not fair on residents and users of the street when multiple vehicles are being sold in one specific area that causes a hazard at the main junction.	N/A	Comment - The Policy states that the commercial selling of vehicles on the highway falls within the scope of street trading and will therefore be subject to regulatory action as appropriate.
This would be appropriate for a town centre area but not beyond	No	Comment - It is expected that street traders will mainly wish to trade in town centre areas and those with high footfall. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated.

Street Trading Policy - Section 3.3 Comments	Accepted into Policy?	Reason why or why not?
I do not feel that every street would be suited to trading of some sort. Some type of criteria should be established. How it can be claimed that such a policy is likely to make our streets "safer" is not credible, in my opinion. Just what level of inconvenience to the general public is being contemplated, or put into operation?	No	Comment - It is expected that street traders will mainly wish to trade in town centre areas and those with high footfall. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated. The Policy includes detailed criteria to be used when considering applications including the needs of the area shall be considered.
Why should the Scarborough council decide weather or not it is right for Filey or Whitby as they are all very much different places. These judgements should be made by the town councils.	No	Scarborough Borough Council is the regulatory authority for street trading across the whole of the Borough, however it is accepted that Town Council's may hold valuable knowledge of the local area. As such it is proposed to amend the Policy to add Town Councils as a consultee.
People with Pedlars Licences should be able to trade wherever	N/A	Comment - Peddling falls outside the scope of street trading.
No mention of consultation with residents in affected streets. Particular examples 3.4.2 car parking, litter 3.4.3 obstructing other road users. Cars should be off road	No	Comment - It is not considered necessary to consult with members of the public on all applications, however the Policy does state that the needs of the area shall be considered when determining applications.
Local community groups and charities would be effected where payments would be taken out much need income	N/A	Comment - It is appreciated charitable and community events wish to maximise the funds raised, however it is also important that the Council adopts a consistent approach for all street traders. Fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.

Street Trading Policy - Section 3.3 Comments	Accepted into Policy?	Reason why or why not?
<p>In one sense the policy is perfectly reasonable but on occasion residents and children sometimes have ad hoc sales events in their front yards/gardens e.g. garage sales, sales of plants/cakes for charity. It would be a shame to deter such innocent activities.</p>	<p>N/A</p>	<p>Comment - it is unlikely that the low level activities described would be deemed street trading, however each case would be treated on its own merits.</p>

## Draft Street Trading Policy 2016

**Section 4.0. The proposed application process is outlined at section 4 of the policy. The council believes this process to be robust and fair whilst also providing appropriate safeguards for local residents and businesses within the Borough.**

Do you agree the process achieves these aims?

Street Trading Policy - Section 4.0 Comments	Accepted into Policy?	Reason why or why not?
as already stated I do not believe all streets and areas should be open to it .	No	Comment - It is expected that street trading in residential areas shall be limited to occasional mobile vendors and alike. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated.
no street trading in reseidential areas	N/A	Comment - It is expected that street trading in residential areas shall be limited to occasional mobile vendors and alike. However it is important that all streets are covered to ensure all street trading (including unauthorised trading) can be effectively regulated.
I have already made my point on this	N/A	Comment
In 10 years of living in Scarborough the only problem I have had, or seen is with students forcing themselves in people's faces to advertise a venue. Does it really need this, shouldn't the council be looking at things which deserve attention, like endless streams of traffic, drunks,sand left for days on the foreshaw	N/A	Comment - Although it is acknowledged these are important issues, they fall outside the scope of street trading and this consultation.

Street Trading Policy - Section 4.0 Comments	Accepted into Policy?	Reason why or why not?
<p>I don't believe you should you allow stalls to trade on the streets in direct competition with businesses that are paying rates to the council?</p>	<p>N/A</p>	<p>Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.</p>
<p>I believe that retaining the application fee in the case of a refused application is wrong. People may make mistakes in their application and be required to submit another application. £100.00 seems an excessive amount to ask for administration costs, especially if it is refused. I believe that if an application is unsuccessful, the payment should be returned in full. The amount seems fair for a successful street trading licence as this money can be recuperated in trade, however for those struggling to make a small business venture work; retaining the application cost for unsuccessful applications will be detrimental to future success. Scarborough is an area of deprivation and this ruling does not help.</p>	<p>No</p>	<p>Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime. Where an applicant has made a genuine error they will generally be given the opportunity to correct the error without the requirement to pay any additional fee.</p>
<p>The safeguards cost additional money and experience shows in other Seaside towns encourages low value trading which should be focused in the appropriate premises (e.g. The Market)</p>	<p>N/A</p>	<p>Comment - The safeguards proposed are considered essential when determining an applicant's suitability. The Policy also requests applicants to state the articles to be sold which will be considered when determining applications.</p>

Street Trading Policy - Section 4.0 Comments	Accepted into Policy?	Reason why or why not?
The application system sounds over complicated with too much paperwork and high fees.	N/A	Comment - The proposed application process is considered necessary to ensure the Council is properly able to determine applications. The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
For small business traders who may only trade on minimal occasions the costs involved are for too prohibitive, and will stop any new traders coming to the area. The £100 application fee will restrict many seasonal traders from even applying,as this will be too great a cost if the application is unsuccessful. 3 month option is far too short for a seasonal trader, also there is no 6 month option. Other councils (including others within North Yorkshire) take a much more encouraging approach to actively promote street traders that enhance and provide a service to the local area.	Yes	Comment - it is important that a consistent approach is adopted for all street traders. It is accepted that there may be a need for a 6 month Consent and as such has now been included within the Policy. The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
I have never had any knowledge of this policy yet trading on the street still appears to be happening? Also with towing truck type vehicle and a large van in operation in regards to the selling. It's not even their street!	N/A	Comment - Historically there has been no comprehensive Policy in place with regard to street trading. This Policy seeks to consistently regulate existing and new street traders. With regard to street trading from vehicles, the effect on users of the highway is a key consideration when determining applications and already forms part of the Policy.

Street Trading Policy - Section 4.0 Comments	Accepted into Policy?	Reason why or why not?
I do not feel that the appropriate safeguards will be robustly enforced, if at all, in many instances. Just how much Scarborough Borough officer time might be allocated to this initiative, when we are constantly advised that present "commitments" cannot be fulfilled in so many ways, due to lack of funding and other resources eg staffing levels. Have the costs and benefits, to the Residents, been adequately evaluated, in this instance?	N/A	Comment - The Policy outlines the Council's approach to enforcement; which will be supplemented with a guidance document to address practical and operational matters pertinent to enforcement. This will provide an effective and robust approach to enforcement as already in place for a number of other regulatory functions administered by the Council.
It lacks transparency/clarity and given there is no right of appeal transparency/clarity of process is crucial to avoid criticisms of nepotism.	No	Comment - where an applicant is aggrieved by the Council's decision they have the option to make a corporate complaint or seek a Judicial Review of the decision made.
I think some of the fees are excessive - they seem to far exceed any actual administrative costs that might be incurred by the council it raises the suspicion that this entire process is simply a money making scheme by the council	N/A	Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
just a council money making scheme that will destroy the street culture	N/A	Comment -the Policy seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
I think that £100 administration fee does seem a little excessive	N/A	Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.

## Draft Street Trading Policy 2016

**Section 4.1.4. As part of the application process, an applicant is required to produce a basic Disclosure & Barring Service Criminal Disclosure Certificate dated within 3 months of the application.**

Do you agree this requirement is reasonable in the interests of an applicant's suitability and public safety?

Street Trading Policy - Section 4.1.4 Comments	Accepted into Policy?	Reason why or why not?
dbs is going too far for traders and shop keepers	No	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
The average contact time between seller and customer must be minimal so chance for crime must be almost none existent, do shopkeepers have to do this, if not it's discrimination	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
Unfair additional costs to traders. If required should be met by Local Authority	No	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public.. The cost incurred in obtaining a basic disclosure forms part of the application process and therefore must be met by the applicant.
Streer trading encourages anti social behaviour, theft and restricted movement for disabled.	N/A	Comment - The Policy seeks to ensure all street trading activities are properly regulated, the effect on all users of the highway is a key consideration when determining applications and already forms part of the Policy.



Street Trading Policy - Section 4.1.4 Comments	Accepted into Policy?	Reason why or why not?
The Disclosure & Barring system is terribly inefficient and slow	N/A	Comment - Basic Level Disclosures may be obtained via Disclosure Scotland, disclosures are generally returned within two weeks.
Do all shop owners have dbs clearance? Why should a stall holder be any higher risk than a shopkeeper? In fact stallholders are more in the public eye than in private premises.	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
Agree with the DBS but not alongside all of the other costs.	N/A	Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.
In the case of community and charity events this will add an unnecessary burden to the planning and delivery of the event, and such a requirement is not seen as being reasonable and appropriate for public trading- are shop assistants also required to provide similar assurances?	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. However, it is accepted that short-term community and charitable based events represent a relatively low risk and therefore the Policy has been amended to remove the requirement for traders at such events to obtain a basic criminal record disclosure.
The length of time it takes to get such paperwork and applicants details should be enough for scrutinising their background.	N/A	Comment - Basic Level Disclosures may be obtained via Disclosure Scotland, disclosures are generally returned within two weeks.
I consider 3 months to be too longer time lapse considering this applies to persons having contact with general public which may include children without parental supervision.	No	Comment - 3 months provides a reasonable timeframe for applicants to obtain a disclosure together with the other information required when submitting an application and is not considered detrimental in terms of safeguarding.
All Disbarring Certificates, etc. should be provided, prior to any permissions being granted.	N/A	Comment - This is already a requirement of the Policy.

Street Trading Policy - Section 4.1.4 Comments	Accepted into Policy?	Reason why or why not?
Doesnt happen in shops why should it happen to traders.	No	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
The DBS is only good if they have a "known" criminal record. I think this extra paperwork may put more people off applying. Shops traders do not require DBS certificates.	No	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
I doubt if shopkeepers are required to have this - why should other traders Do you assume they are disreputable	No	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
I general agree - but officers need to exercise discretion. Street trading may be one means by which recent offenders may be rehabilitated.	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. Premises based shops fall outside the scope of street trading and therefore cannot be considered in terms of this Policy.
Because if such a policy requirement applied to all 50 or so stall holders at Scalby Fair (17.6.17) it would be impossible to implement. Scalby Fair committee is happy for these requirements to apply to our Applicant and 2 authorised assistants only. We do not permit "car boot" type stalls		Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. However, it is accepted that short-term community and charitable based events represent a relatively low risk and therefore the Policy has been amended to remove the requirement for traders at such events to obtain a basic criminal record disclosure.

Street Trading Policy - Section 4.1.4 Comments	Accepted into Policy?	Reason why or why not?
Although in agreement with the principles of this and can understand the thinking behind it, we are just a little concerned that this would again result in more costs for us smaller businesses.	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public. It is also considered that the benefits outweighing the relatively low cost of a disclosure.
Not reasonable	N/A	Comment - The requirement for a criminal record disclosure is considered essential when determining an applicant's suitability and for safeguarding the public.

## Draft Street Trading Policy 2016

**Section 4.2. It is proposed to offer general Street Trading Consents for periods of 3 and 12 months only, however only holders of a 12 month Consent will be able to renew their Consent.**

Do you consider this to be reasonable?

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
Again, I don't believe that street trading should be allowed. They make the town centre look tatty and run down. The existing empty retail units should be used and promoted.	N/A	Comment - The requirement for stalls to have a high standard of presentation and appearance forms a key part of the Policy.
The permits should be no longer than a month and weekly should be sufficient .	No	Comment - It is considered that requiring street traders to renew every month would be overly burdensome on both street traders and the Council.
So people with money can renew, it's discrimination	N/A	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
it should be level playingfield	No	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
there is no obvious reason why they should be treated differently	N/A	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
There is no allowance for 6 months. I feel that this may restrict the chance of an vibrant extented season. Holders of a 3 months licence should be able to renew once. This would allow for a trial period before committing to an extended period.	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
Maybe only a month is required	No	Comment - limiting permits to 1 month or less is considered too onerous on both the applicant and the Council.
Many traders who operate on Harbour Land do so at short notice and do not trade for 12 months of the year. Most are seasonal and allowing an initial 3 month consent with an option to then renew would cover them for the summer season without penalising them for time they will not use.	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
<p>Street Trading is in conflict with Bona Vide Traders and depreciates the value of existing premises.</p>	<p>N/A</p>	<p>Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.</p>
<p>Either the street performers are sufficiently talented to entertain people in public or they are not. Also what they do is deemed by the Council through an "audition" to be acceptable, or it is not. Equally insurances i.e. H &amp; S : and Public Liability are valid all year and kept up to date gives more time flexibility to performers and to the Council. An applied 3months or 12 months will have the effect of limiting the talent pool. Better to have a large pool with a venue booking system available so that everybody gets a fair crack at the assorted venues and times on offer. It then becomes their responsibility to organise themselves to get their individual needs on a first come first served basis. In the event of people just not turning up at their allocated or chosen time the Council can decide what should be done in a way through a Terms and Conditions Contract.</p>	<p>N/A</p>	<p>Comment - The Street Trading Policy does not apply to Street Performers unless they wish to sell articles.</p>

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
seems to discriminating against the inexperienced couls you not allow conversion from 3 to 12 if the trader requires it	No	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
There could be conflict between stall holders and shopkeepers if allowed on all streets in the borough and possibly be detrimental to the overall appearance of the towns.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.
What if they want 1 month or 7 months? Trying to regulate every option will be a nightmare of paperwork.	Yes	Comment - Agree that it is only practical to offer a limited number of consents, however the need for a 6 month consent has been recognised for seasonal traders and the Policy amended accordingly.
As already mentioned, it is making it too difficult and expensive and will only seek to deter any traders from the area.	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
I would think that initially, everyone who is given consent, should only be granted a 3 month licence to check whether they act and trade correctly and do not encroach upon similar businesses nearby. If all is then satisfactory, they could be given a 12 month licence, renewable if all is then well.	No	Comment - The Policy is considered robust enough to negate the need for a probationary trading period.

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
the 3 monthly permit should also have a renewable option so as to give permit holders flexibility and the council can still keep control with short term contracts	No	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
Until an applicant has tried out some thing for say 3 months how will they know it is going to be worth a 12 month permission or repeat of their 12 months.	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
One or two day visits by traders would be unavailable or too expensive. This would deter possible diversity.	No	Comment - It is expected that temporary traders would usually be trading as part of a short term market etc and would therefore be covered by the consent in place to cover such an event.
I think 12 months is too long & should need to reapply	No	Comment - Given a number of traders may wish to trade all year round in certain locations, 12 months consents are considered necessary and appropriate.
Why restrict renewals for 12month applicants what is the justification.Is it admin costs??? Some street trading may not be sustainable for 12 month episodes so renewing fees would be high if mutiple applications need to be made.	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.



Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
Very seasonal on the coast, why not 6 months to cover the season?	Yes	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
No – The Whitby Regatta organisation request that any licences issued for 3 or 12 month periods exclude other planned local events that hire Street Traders to subsidise the cost of running that event. In particular the Whitby Regatta, which is now in its 177th year, would be severely financially disadvantaged if licences were issued during the Regatta weekend. The booking, control and policing of traders within all areas of the town during this period has always been a commitment that our marshals and volunteers have accepted.	No	Comment - Restricting trade during such events would unfairly disadvantaging consent holders who have been issued a 3,6 or 12 month Consent. It should also be noted that such events tend to take place during the busiest times of the year thereby increasing the severity any such restriction would have.
Scarborough is only busy for a few months of the year...there should be a monthly one too	No	Comment - It is considered that a monthly consent would be overly burdensome on both street traders and the Council.
12 months is a long commitment period. Surely a 3 month pass is ok to extend another 3 months.	No	Comment - To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.

Street Trading Policy - Section 4.2 Comments	Accepted into Policy?	Reason why or why not?
I can't see why not	N/A	Comment
All consents should be allowed to be renewed	No	Comment - It is recognised that seasonal based traders may wish to trade in excess of 3 months which at present would require the submission of a new application. To address this the Policy has been amended to include a 6 month consent in addition to the 3 month consent thereby allowing additional seasonal trading. However, as 3 and 6 month consents are deemed to be seasonal in nature, the proposal to allow only 12 month permits to be renewed remains.
If Scalby Fair need to obtain a 12 month permit in order to not have to make a fresh application every year then this could involve us in paying £600 + £200 each year which isn't acceptable	N/A	Comment - Community events would only be required to pay £25 per trader up to a maximum of £200. This charge would be per annual event, the £600 fee applies only to 12 month consent holders who trade regularly during the year.

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**Section 5.1.1. The Council is proposing to consult with a number of key stakeholders including North Yorkshire County Council Highways Authority, Trading Standards, North Yorkshire Police and North Yorkshire Fire & Rescue Services. In addition it is proposed to consult with a number of departments within the Council such as Planning, Environmental Services, Tourism & Culture, and Safer Communities etc.**

Do you agree with the full list of proposed consultees as outlined in para 5.1.1 of the Policy?

Street Trading Policy - Section 5.1.1 Comments	Accepted into Policy?	Reason why or why not?
No traders.	No	Comment
Why are these organisations opinions relevant. Only the Police should really be consulted in my opinion	N/A	Comment - It is important to consult with all the proposed stakeholders when determining applications to try and establish any potential impacts street trading may have.
Has the council proposed this to the businesses directly affected by these market stalls, and polled there opinions?	N/A	Comment - A number of local businesses and traders have been consulted, in addition the consultation was available on the Council's website.
it should also include members of the general public	No	Comment - The Policy contains a comprehensive decision making process, detailing a number of factors that would be considered when determining applications and as such it is not considered necessary to consult with the general public on all applications.
Many traders who operate on Harbour Land do so for short periods and at short notice. Wider consultation, whilst appropriate for larger, longer running setups, would impact on these smaller traders, create additional administration (for a trader only wishing to trade for a day or a weekend) and ultimately has the potential to impact on revenue.	No	Comment - It is important that the Council adopts a consistent approach to street trading, as such streets traders wishing to trade on harbour land will be required to submit applications in accordance with the Policy.

Street Trading Policy - Section 5.1.1 Comments	Accepted into Policy?	Reason why or why not?
I think that major landlords with large numbers of properties should be consulted like Yorkshire Coast Homes. Additionally the Ambulance Service and health too. Public safety in an emergency	No	Comment - The list of consultees involved in the decision making process are listed in the Policy at 5.1.1 which includes the Council's Environmental Services Department. It is not considered necessary or particularly relevant to consult with Landlords.
The obvious omission from any consultation with those who are involved in running business's already. Many on the proposed list have no real interest in making any realistic recommendations or from past experience appear to have any skills in making appropriate decisions/recommendations (e.g. The fiasco of Seamer Road TIA total failure, chaos on Scalby road in Newby, the dangerous traffic situation regarding the Tesco Express store by the traffic lights on Burniston Road)	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
Local shops who pay business rates and may be adversely affected by street trading competition should be consulted.	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
Think the shop owners who pay council rates should be included in the consultation They are having stalls outside their space	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
I do not think already over stretched services facing budget cuts, such as the fire brigade and police etc, will be able to give full and proper due consideration and research time for this scheme.	N/A	Comment - It is considered important that such agencies are given the opportunity to comment on applications where possible.

Street Trading Policy - Section 5.1.1 Comments	Accepted into Policy?	Reason why or why not?
Local Businesses do not appear to have representation. The requirements of street traders need to be balanced alongside those of businesses paying full rents and rates for permanent premises.	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
local businesses need to have some say what will happen	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
Chamber of trade/commerce and/or other permanent retail business organisations	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
There are no trade/trade org on list. Town Cn Manager/South Bay Traders etc Goods sold/sales position etc has implications for access etc Also the blind/handicapped need an input	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
Scalby Fair and eg Burniston Show are sufficiently long established and reputable to be consulted in their own right	No	Comment - It is not considered necessary to consult with established Community Fairs etc. on applications.

Street Trading Policy - Section 5.1.1 Comments	Accepted into Policy?	Reason why or why not?
Parish Councils	No	<p>Comment - It is not considered necessary to consult with Parish Councils on applications, particularly given the additional resources this would require. However feedback would be welcome from Parish Councils and other stakeholders in relation to Consents granted.</p>

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When considering applications the Council has proposed a consultation period of 10 working days for consultees to respond with any objections or comments relating to the application.

Do you consider a period of 10 working days to be sufficient?

Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
I think one month would be a better amount of time. Although, again, I don't believe that street traders enhance the town in any way. What would enhance it would be businesses moving into the empty units.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications.
if there are any complaints at all then the permits should not be given as when an alteration to a private property is applied for .	N/A	Comment - All comments received will be carefully considered when determining any application for a Consent.
30 DAYS	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications.
Firstly in answer to a previous question, you need to consult with any affected residents groups. I think that the consultation period should be longer, such as 21 days.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
I feel it should be at least a 3 week period to enable all relevant checks to take place	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications

Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
30 days	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
people need longer to make up their minds - some lead busy lives	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
S B C does not have the confidence of the public, I think I right in saying, when Googling corrupt councils, Scarborough comes up top ?? 100% of residents I speak to think council not fit for purpose, so getting back to 10 day question we need to make sure that nothing is rushed through and maybe benefiting and councilor	N/A	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
As previous advised, many traders who operate on Harbour Land do so at short notice and a 10 day consultation period would inhibit them from doing so and ultimately reduce revenue generation from the land.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications. In addition it is important that the Council adopts a consistent approach in respect of street trading.
Minimum of 2 weeks, preferably 3 weeks	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
21 days would be a more reasonable time to allow for holidays etc.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications



Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
Less than ten days, five day and no longer. if longer than the proposed time scale, solicitors are likley to step in and contest any local instructions, thus time would be wasted in court cases??	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
The consultation period extended over the holiday period.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Because if a selection and appropriate investigation process is in place and appropriately managed to really get the best for all concerned out of the whole project, it is going to take a lot longer than that to sort the quality and quantity of individuals and draw up a performing schedule for each venue. Alternatively the whole thing can be done on a first come first served free for all as long as you have a performing licence, and nobody gets any value from the project and it is abandoned because it is unworkable.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
they may be away trading before getting the letters maybe even in another country one month would be better	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
In some circumstances you need a longer period to gather your facts together to present your argument	No	Comment - The consultation period is 10 working days, however it may take up to 4 weeks to properly consider and determine an application.

Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
10 days is too short - fails to account for key people being on holiday etc.I think it should be at least 2 weeks (14 days)	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Think 14 working days would be more appropriate	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
See previous answer, many public services already over stretched providing their basic services.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
one month is a more realistic expectation	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Could be elongated to a 2 week period so an extra 4 days.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
General consultation periods are either 21 or 28 working days to give consultees the appropriate amount of time to consider the application, and to allow for a full response to be given. This should be no exception.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
21 days would seem to be more reasonable to allow for holidays and the possible necessity for someone to obtain legal advice.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications

Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
It is not a long enough consultation period particularly in view of the incredibly slow way SBC departments work.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
I think 10 working days is too short a period as this could be less than 2 weeks. A 21 day period (3 weeks) is a more appropriate realistic time period.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Many factors can delay information reaching the applicant so 21 days seems reasonable.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
28 days is suitable, 10 days is not practical time to respond in	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
I feel it should be longer, say 15 or 20 working days.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
I would have concerns that 10 days may not be sufficient time to make everyone concerned aware of the impact street trading may have on their area.	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
The time is too short. 30 days would be better in my opinion	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications

Street Trading Policy - Section 5.1.2 Comments	Accepted into Policy?	Reason why or why not?
28 days	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Why not ask the consultees how long they might need	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
28 days	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
21 days the same as a planning application	No	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications

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When considering applications the Council will take into account the objectives of the policy in addition to a number of other relevant factors. These include public order, nuisance and safety, the needs of the area, highway requirements, and suitability of the applicant, proposed location and type of vehicle/stall together with any environmental considerations.

Do you agree that the factors to be considered are sufficient?

Street Trading Policy - Section 5.1.4 Comments	Accepted into Policy?	Reason why or why not?
The council should speak to the businesses you intend these stalls to compete against, as I would be surprised if they would be happy with stalls placed right outside there shops Make the town centre special, bring in quality markets and not just anything that wants to trade the street	No	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. As such it is not considered necessary to consult with local businesses on each application.
who decides the suitability of the applicant and can they be trusted against prejudice and corruption?	No	Comment - Section 5.2 of the Policy outlines the determination and appeals process.
Health should be involved too	N/A	Comment - The Council's Environmental Services Department is a consultee and Public Safety is listed as a factor when considering applications.
Street Trading does not enhance the overall shopping experience, many visitors to the area want to experience a sophisticated "Street Scene" not a scruffy load of tatty stalls. The emphasis should be on improving the urban environment with, tidying up empty shops and demonstrating our area is a quality location to visit.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance.

Street Trading Policy - Section 5.1.4 Comments	Accepted into Policy?	Reason why or why not?
The Council need to have a very clear definition in their own minds of what is and is not suitable depending on the time of year, time of day and the venues at which the different types of entertainers or tradetr will be allowed to book..	N/A	Comment - This supports the introduction of a formalised Street Trading Policy, the factors which will be considered when determining applications are listed at Section 5.1.4 of the Policy.
they need enough money to use a guest house and not need to sleep rough	N/A	Comment - This falls outside the scope of Street Trading.
There are too many requirements that will take council staff and trader time which are in short supply.	N/A	Comment - The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, the Policy also aims to ensure all street trading is effectively and comprehensively regulated.
The Council should also consider, and be influenced by whether the event is a true, wholly charitable event, in which case the legislation should not apply . The Rotary Club of Scarborough Cavaliers has for several years organised an annual Community Fair in the town centre. All stall holders are registered charities or not for profit charitable organisations, and no profits are generated. This event is a great opportunity for local community charities to raise their profiles and generate funds: they currently have many challenges securing volunteer input and support for the event : the impositions of this legislation would create further hindrances to their fundraising efforts.	N/A	Comment - Although it is appreciated charitable and community events wish to maximize the funds raised, it is important that the Council adopts a consistent approach for all street traders. In addition the fees have been amended to create a sliding scale of charges for such events which is capped at £200.

Street Trading Policy - Section 5.1.4 Comments	Accepted into Policy?	Reason why or why not?
<p>There appears to be a considerable amount of wishful thinking in this proposal, which demonstrates, to me, a large degree of a lack of understanding of just what might be required to ensure that Street Traders are behaving in an acceptable and safe manner, at all times. There is a general perception of lack of enforcement, in various areas of public life, throughout Scarborough Borough. Letters of concern etc are not dealt with in a timely fashion, in the opinion of some Residents. Having an impressive set of rules is one thing, ensuring full compliance is quite another. One often has to complain repeatedly, for maybe more than a year, just to try and have various aspects of eg., anti-social behaviour addressed and maintained. Meanwhile, the Residents suffer ongoing inconvenience.</p>	N/A	<p>Comment - By introducing a Street Trading Policy, the Council seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. The Policy also aims to ensure all street trading is effectively and comprehensively regulated.</p>
<p>The impact on local businesses needs to be taken into account.</p>	N/A	<p>Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.</p>

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**Section 7.4. It is important that the Council has the ability to amend, revoke or choose not to renew a Street Trading Consent where justifiable. Reasons for the Council taking such action may include non-compliance, nuisance, obstruction, safety or any other reasonable grounds.**

Do you support the reasons as summarised above and set out in the Policy at 7.4?

Street Trading Policy - Section 7.4 Comments	Accepted into Policy?	Reason why or why not?
If stalls and street traders are to be allowed (and I hope they are not) I believe that the appearance of the stalls should also be taken into account. And again, I don't believe that the stalls and traders do enhance the town centre at all.	No	Comment - This supports the introduction of a formalised Street Trading Policy as the Policy includes requirements that stalls shall have a high standard of presentation and appearance.
Will the trader be able to appeal and put their case, will clear and transparent justice be available for all the public to see?	N/A	Comment - Section 5.2 of the Policy outlines the decision making and appeals process.
Back to the importance of process transparency and clarity so that applicants who have been refused or consent withdrawn are clear as to Council decision making and legal justification as defined by legislation .	N/A	Comment - Where the Council chooses to refuse an application or revoke a Consent, full reasons for that decision will be provided.
There should be an Appeals process before a formal (and possibly very expensive) Corporate Complaint or Judicial Review.	N/A	Comment - Section 5.2 of the Policy outlines the decision making and appeals process. In addition there is no cost in making a Corporate Complaint.



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**Appendix A1.** It is proposed to attach the standard conditions included at Appendix A of the policy to all Street Trading Consents. In particular the Council proposes to require Consent Holders and authorised assistant(s) to wear a street trader identification badge provided by the Council. In addition Consent Holders shall be required to display the Consent on the vehicle/stall to which it relates.

Do you agree with the above conditions together with those included at Appendix A1 of the policy?

Street Trading Policy - Appendix 1 Comments	Accepted into Policy?	Reason why or why not?
Will any one read it.	N/A	Comment - Consent holders will be expected familiarise themselves with the conditions attached to their consents.
Expensive to manage and police, do not allow any Street Traders, this is then very easy to manage as they should NOT be there, save money and help to bring life to our shops.	N/A	Comment - The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, whilst also ensuring all street trading is effectively and comprehensively regulated.
I think the pedestrianised areas of Westborough etc should be kept as free of vehicles as possible.	N/A	Comment - North Yorkshire County Council's Highways Department will be consulted on all applications.
What happens if the badge or certificate is lost in the post, does not arrive in time or is accidentally forgotten? The enforcement team should have a list of who is authorised as well.	N/A	Comment - This will be in place.
For the reasons already stated: a wholly charitable event should not be so constrained	N/A	Comment - In respect of community and similar events the main organiser only will be required to wear a street trader identification badge.
I think it is sufficient to have a consent document of some type on their person, not necessarily on show or being worn.	No	Comment - The open display of badges and Consents is important in terms of protecting both the public and traders.

Street Trading Policy - Appendix 1 Comments	Accepted into Policy?	Reason why or why not?
Sometimes we may swap a van around for a different site, depending on what events we have on. So linking a badge to a vehicle may cause us some issues.	N/A	Comment - As the type of stall/vehicle forms part of the decisions making process, it will not be possible to swap stalls/vehicles without prior approval from the Council.

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**3.4 and Appendix A2 - A4. It is also proposed to offer a number of Consents for Farmers' Markets, Charity and Community events, etc. Such events are sometimes ad-hoc and held over shorter timescales.**

Do you agree with these additional types of Street Trading Consents and the additional conditions proposed in respect of them?

Street Trading Policy - 3.4 and Appendix A2 to A4 Comments	Accepted into Policy?	Reason why or why not?
Provide unfair competition to local traders, and in many cases inferior poor quality produce (Farmers Markets). These events are not well policed, resulting in unregistered operators gaining access.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy as the Policy includes requirements that stalls shall have a high standard of presentation and appearance. In addition The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing
The community events are even worse than the existing traders. I think the pedestrian precinct in the town centre is not the place for these events.	N/A	Comment - The effect on users of the highway is a key consideration when determining applications and already forms part of the Policy
some of the consent costs involved will make the small events unviable .this will particularly affect events in smaller communities which receive no promotion at all from SBC and rely on voluntary effort to make things happen. What happens to things like charity bookstalls and tiny car boots, and village garage stall days,which are not always to make money as opposed to publicising village groups and facilities.	N/A	Comment - Although it is appreciated charitable and community events wish to maximise the funds raised, it is important that the Council adopts a broadly consistent approach in respect of Street Trading. However, it is acknowledged that fees should be proportionate to the scale of the event. Consequently a new sliding scale of fees is proposed for community events, farmers markets etc. where by a charge of £25 shall be made for each trader with a maximum fee for any such event of £200.
every one should have the right to a reduced time period	No	Comment - Given the nature of Community and similar events, a short term consent (generally for one day) is considered appropriate.

Street Trading Policy - 3.4 and Appendix A2 to A4 Comments	Accepted into Policy?	Reason why or why not?
Scarborough has a perfectly adequate market in the town centre. Charity stalls will have to be monitored carefully as some so called 'charities' are not what they appear to be?	N/A	Comment - The Policy also aims to ensure all street trading is effectively and comprehensively regulated.
We have the Market Hall. Farmer's Markets etc should be privately run on private land, it is not SBC's job to provide such facilities; especially as in terms of economic and financial return this will be a cost to local taxpayers.	N/A	Comment - Street Trading on private land still falls within the scope of the legislation provided no payment is required for entry.
Too much overkill	N/A	Comment - The Policy aims to ensure all street trading is effectively and comprehensively regulated.
Charging hard pressed charities and community groups as well as making them sort out all the application paperwork will stop these events happening. We are becoming a society mired in red tape and trying to control creativity and innovation.	N/A	Comment - Although it is appreciated charitable and community events wish to maximize the funds raised, it is important that the Council adopts a consistent approach for all street traders.
We consider that this legislation is not appropriate for the events which have a wholly and proven charitable focus and intent for the reasons stated .	N/A	Comment - Although it is appreciated charitable and community events wish to maximize the funds raised, it is important that the Council adopts a consistent approach for all street traders.
The needs should be balanced with those of local businesses, who pay full rents and rates. Street traders selling comparable products/services with lower overheads harm local businesses. There should be an element of quality control.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.
any variance allows exceptions to the rule, so some may be following the regulations & others will not be	N/A	Comment - The Policy aims to ensure all street trading is effectively and comprehensively regulated.

Street Trading Policy - 3.4 and Appendix A2 to A4 Comments	Accepted into Policy?	Reason why or why not?
No - The Whitby Regatta organisation again request that licences exclude other planned local events that hire Street Traders to subsidise the cost of running that event. In particular the Whitby Regatta, which is now in its 177th year, would be severely financially disadvantaged if licences were issued during the Regatta weekend. The booking, control and policing of traders within all areas of the town during this period has always been a commitment that our marshals and volunteers have accepted.	No	Comment - Scarborough Borough Council is the regulatory authority for street trading across the whole of the Borough. Restricting trade during such events would unfairly disadvantaging consent holders who have invested in a 3,6 or 12 month Consent. It should also be noted that such events tend to take place during the busiest times of the year thereby increasing the severity any such restriction would have.
they should be free as they are supporting the local borough	N/A	Comment - Although it is appreciated charitable and community events wish to maximize the funds raised, it is important that the Council adopts a consistent approach for all street traders.
We agree with what you trying to say regarding the farmers market and charity events etc. However all the small mobile stalls that seem to arrive in Whitby alongside these events need to be regulated somehow.	N/A	Comment - The Policy aims to ensure all street trading is effectively and comprehensively regulated.

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## Other Comments

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>Please get rid of the tat sellers limit it to one big issue seller no charity muggers who hassle you in the town centre goods should be of a high class quality - trading standards should definately be involved and not juust on the street but on some of the tat shops too Scarborough Town Centre is not somewhere I shop now - prefer to go to Pickering, Malton or Whitby until it is improved.</p>	<p>N/A</p>	<p>Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance. The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, the Policy also aims to ensure all street trading is effectively and comprehensively regulated</p>
<p>Yes I believe some of the stalls currently in the town are selling low quality rubbish and do nothing to enhance the town centre experience. These may in fact be the peddlers license ones , as no I.D is currently worn by anyone I am quite uncertain!</p>	<p>N/A</p>	<p>Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance. The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, the Policy also aims to ensure all street trading is effectively and comprehensively regulated</p>
<p>There was no mention of times for trading?</p>	<p>No</p>	<p>A street trader is required to include the intended hours of operation within their application. In addition the impact street trading may have on the surrounding area will be carefully considered which may lead to the permitted hours being restricted where deemed necessary.</p>

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>Any markets, community markets, farmers markets, etc. should not be held in the pedestrian precinct in the town centre. The town does have a market hall and I believe any and all of these events should be on Queen Street or Market Street near the market. Traffic can be diverted around that area quite easily and it would make more sense that they be there. I am sure that the business operating around the pedestrian precinct don't think the street traders enhance their businesses. Why does Scarborough always seem to cater to cheap rubbish? It's no wonder businesses don't want to open in this town. If we want to attract the better businesses and have people go into the town centre to enjoy the "shopping experience" we need to make it more attractive, not dumb it down with tat and rubbish.</p>	N/A	<p>Comment - This supports the introduction of a formalised Street Trading Policy, specifically the requirement for stalls to have a high standard of presentation and appearance. The Policy seeks to encourage a thriving street trading environment that co-exists and enhances local premises based business, the Policy also aims to ensure all street trading is effectively and comprehensively regulated. The effect on users of the highway is a key consideration when determining applications and already forms part of the Policy.</p>
<p>This is a very good plan and will stop anyone street selling without permission. This I am sure will be welcomed by most residents.</p>	N/A	<p>Comment - The Policy aims to ensure all street trading is effectively and comprehensively regulated</p>
<p>I think it is very important to know who new applicants are so sticking to the 12 month holders is vital.</p>	N/A	<p>Comment</p>
<p>I've never seen any problems with street vendors, any thought of making a charity pay for it is disgraceful</p>	N/A	<p>Comment - Although it is appreciated charitable and community events wish to maximize the funds raised, it is important that the Council adopts a consistent approach for all street traders.</p>
<p>Basically sounds good.</p>	N/A	<p>Comment</p>

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
see feedback already given	N/A	Comment
A variety of traders enlivens the town centre but they must be controlled. Too much unfair competition with permanent rent and rates paying businesses is unfair. Great if they bring something different.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing. The Policy also aims to ensure all street trading is effectively and comprehensively regulated
Above and beyond all other considerations Street Trading is known for its susceptibility to criminality. To ignore this is to risk problems that could otherwise be avoided. It is essential in my view that the prime source of advice and help in the management of this proposal is the local Police.	N/A	Comment - North Yorkshire Police will be consulted on all applications and their comments carefully considered when determining any application along with an applicant's criminal record disclosure.
No	N/A	Comment
no	N/A	Comment
I do feel that the street markets held in the town take money away and trade to other shops and our market. Why can't it be moved to draw customers to the lower town.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.
These regulations should also apply to street "buskers/musicians". who often take up more space and cause more disruption than street traders.	N/A	Comment - Street musicians do not fall under the scope of street trading unless they are selling articles.
I hope that these new rules will not apply to street collections by RNLI or British Legion ect.	N/A	Comment - Charitable Street Collections are authorised separately and do not fall under the street trading regime.
Sounds good to me	N/A	Comment
The policy is right providing it is viewed with due care, stalls that are in place now show a disregard for the public or local businesses.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy as the Policy includes requirements that stalls shall have a high standard of presentation and appearance.



Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
None	N/A	Comment
Nothing to add.	N/A	Comment
The encouraging of Street Trading has no place in the role and responsibility of Local Authorities in non designated market locations. The Local Authority is misguided in it's approach and appears not to realise that such activity brings no net revenue return to the Borough and has a specific detriment to the local economy as a whole.	N/A	Comment - The Local Authority is responsible for administrating street trading and wishes to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses.
The selling of cars on roads needs to be stopped.	N/A	Comment - The Policy states that the commercial selling of vehicles on the highway falls within the scope of street trading and will therefore be subject to regulatory action as appropriate.
No	N/A	Comment
None	N/A	Comment
I approve of the conditions relating to waste disposal, supply chain, packaging and carbon impact. Street sellers at the Harley Davidson bike ride in Scarborough had driven from Manchester to sell some plastic flashing lights that will end up in the bin when the batteries run out.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy as the Policy includes requirements that stalls shall have a high standard of presentation and appearance.
Just trading on the street of my residency, bearing in mind that the trader is not a resident yet sells multiple cars by the junction (way less than 20 metres away!) and will often have a tow truck type of vehicle and a large silver van. It is not fair and we have not had a say in this matter, it affects the traffic in a negative aspect. It affects the residents also.	N/A	Comment - The Policy states that the commercial selling of vehicles on the highway falls within the scope of street trading and will therefore be subject to regulatory action as appropriate.

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>The fees on some of the policy seem steep, especially for smaller traders. Therefore likely to deter some possible traders.</p>	N/A	<p>Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.</p>
<p>It is to be hoped that this is not just a revenue raising exercise, which will cause disruption and inconvenience to the Residents of Scarborough Borough. This could potentially turn people away from visiting our Town and make existing businesses unviable. There appears to be little work done on this aspect of Street Trading, other than creating some distance between similar types of offerings. When bad weather arrives suddenly, will there be a sudden exodus to evacuate these pop up sites, potentially leading to a rushing around of motor vehicles? Re Commercial selling of vehicles on the highway:- This provision seems to be so weak, as to be genuinely meaningful. Presumably, if two or more people work in co-operation, with each other, regarding using different phone numbers for different sale vehicles,etc. they can trade to whatever extent they wish in selling cars on our public highways and not be prevented by this new ruling. To my mind, this aspect of street trading has not been given sufficient consideration, to ensure any meaningful effective restrictions upon the presently existing and unacceptable practices of existing ongoing regular car sales people. Thank you for this opportunity to comment freely upon these proposals. Cllr. David Raine</p>	N/A	<p>Comment - The Policy seeks to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. The Policy states that the commercial selling of vehicles on the highway falls within the scope of street trading and will therefore be subject to regulatory action as appropriate.</p>

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
The Towns need to attract tourists, but also provide a good place for local residents too. The policy should be part of a co-ordinated medium term strategy working with permanent local businesses.	N/A	Comment - The Local Authority wishes to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses. This will include working closely with a number of key stakeholders.
I would like to see conditions put in place to protect stall holders especially those selling food not tinned or adequately covered from possible threat by dog owners allowing their animals to get close to the stall with a risk of contamination from dog urine etc	N/A	Comment - Given the very nature of street trading, it is not possible to impose controls over dogs by the use of conditions.
The policy needs to reflect the need for a vibrant and diverse street trading environment which adds to and enhances a vibrant and diverse permanent retail trading environment to avoid Scarborough/Whitby and Filey becoming nondescript/sterile/bland "retail highways of nothingness" which can be found in other towns/cities in UK. The Council need to ensure proper safeguards as mentioned in the policy are robustly upheld/adhered to, but not stifle innovative/creative/fun applications that add to an enjoyable/memorable retail/shopping experience.	N/A	Comment - The Local Authority wishes to create a vibrant and diverse street trading environment which enhances the character, ambience and safety of the local environment whilst balancing the needs of the Borough's residents and current businesses
Not at this time. The policy needs to be tested and amended if found to be lacking and I believe that provision has been made for that.	N/A	Comment
So long as they conform to all necessary safety and access by the public going about their usual modus operandii.	N/A	Comment

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>No reference is made to street busking, will this be taken into account when forming the street trading policy, it is after all a way of raising income ! Busking is a high priority to residents when it comes to controlling the amplification of street music, a policy which at the moment is not enforced so therefore requires bringing into line with inclusion in this policy.</p>	<p>N/A</p>	<p>Comment - Street musicians do not fall under the scope of street trading unless they are selling articles.</p>

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>The Whitby Regatta is organised by a small voluntary committee which controls events throughout the Regatta weekend during the month of August each year. Liaising closely with members of the Safety Advisory Group and all other concerned organisations during the planning stages and the event itself, the committee is aided by up to 30 marshals and volunteers with the majority of them having attended a Conflict Management Training Course. This prestigious event attracts many visitors to the area with the majority choosing to book accommodation in the town in addition to other borough municipalities. The organisation considers that the policy is needed, worthwhile and is a well presented document which will enhance the experience of visitors to the area. However, we need to protect the current long established events that attract visitors to the area and which rely on income from the various recognised and agreed sources. If licences are granted to cover these weekends the financial impact on continuing these in their present format could be severely affected by those allowed to operate outside the control of the Whitby Regatta. Officers of the Whitby Regatta Committee stand ready to discuss with your members if required and would welcome being part of the Stakeholder Group if possible.</p>	N/A	<p>Comment - Restricting trade during such events would unfairly disadvantaging consent holders who have invested in a 3,6 or 12 month Consent. It should also be noted that such events tend to take place during the busiest times of the year thereby increasing the severity any such restriction would have.</p>
No this sounds very reasonable.	N/A	Comment
Please publish a clear guide for any future applications	N/A	Comment - Guidance will be produced for applicants prior to the implementation of the Policy.

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
No, I think its OK	N/A	Comment
1-22 ?hours . is ?am to early. 11pm is to late for any event There is no need to serve alcohol on the street, under any circumstances No drinking on the streets is a byelaw. So to have a law allowing it is unacceptable. There is no ???? requiring the sale of alcohol. Remember the last "Beached" event.	N/A	Comment
To add a policy of no busking, fancy dress collection persons not be allowed without a permit it is very off putting to people shopping trying to avoid these people	N/A	Comment - These matters fall outside the scope of street trading and are covered by other legislation.
I agree with what you are trying to achieve. Scarborough needs to feel more updated and not have these people just putting a stall anywhere. It is making Scarborough any eyesore. Scarborough is a beautiful town and some people are making it not very nice. We need to choose that street traders who are going to enhance Scarborough.	N/A	Comment - This supports the introduction of a formalised Street Trading Policy which includes requirements for stalls to have a high standard of presentation and appearance.
A 12 month permit at £600 (£400) does seem cheap relative to the costs of other permits/pitches - with full use the trader will be paying £2/£3 per day of trading.	N/A	Comment - The proposed fees have been set on a cost recovery basis and shall be regularly reviewed to ensure they continue to reflect the costs of delivering the street trading regime.

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>Scalby Fair Committee has considered the new proposals carefully and whilst nobody likes red tape just for the sake of it it's aims are laudable and mostly reasonable. However please read a letter from me as chairman dated 8 February which will shortly be sent to mr Jonathan Bramley, your compliance officer. This sets out in greater detail our areas of concern which we would like you to address asap</p>	N/A	Comment - Additional letter dated 8 February noted.
<p>Risk Assessments:- It would be unlikely that all Consent Holders possess the necessary skills and expertise to carry out satisfactory and comprehensive risk assessments. It is suggested the Council make aware to the Consent Holders where suitable training/courses can be accessed if required.</p>	N/A	Comment - The Council is unable to recommend training or course providers.

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>This is long overdue . Whitby is plagued by buskers,and dubious street traders taking up needed space during the height of the season,competing with rate paying businesses and I would guess paying no taxes. WDTA welcome this move but have grave doubts about SBC capability to enforce it.Much of this takes place at weekends and bank holidays when SBC are not available. Whitby is particularly blighted by busking, the shape of the town creates its own amplification.Buskers use amplifiers ,against current rules and are often abusive when asked to move/stop. We welcome this but doubt SBC will create any meaningful enforcement. WDTA would wish to be represented on any panel . WDTA wish this response be forwarded to Cllr Bill Chatt.</p>	N/A	Comment - This supports the introduction of a formalised Street Trading Policy



Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
<p>I already have a three year council licence licence(signed 2016) for my two council pitches on the Beach at Robin Hoods Bay and at Staithes that i have occupied from early 1990s that i pay £1600 each per year for plus rates, what happens to these licences?.Trillos,Beacon Farm etc also have i believe similar licences with the council for vans and huts etc.A vehicle like an ice cream van can cost up to £45000 that is a big investment would the existing licence holders be sure of still having their sites when the new licences come in?We already have conditions etc already set in our licences pertinent to the licences.As we already have licences with conditions with the council already in place, could i suggest you maybe incorporate the new set of conditions into the existing licences. If and when we swop over to the proposed street tradeing licence with the proposed fees of £400 per year the council would loose money on our sites as we pay much more at the moment or would that be on top of the existing £1600?.I can see the merits of the scheme to control unregulated street tradeing but do believe the traders already covered by a council licence on council sites are already well regulated.I am not sure how many licences the council has at the moment but for information</p>	N/A	Comment - Responded to separately.

Street Trading Policy - General Comments	Accepted into Policy?	Reason why or why not?
Section 5.1.2 - Possibly longer for rural areas 3.4 and Appendix A2-A4 - Short term and add to the atmosphere	N/A	Comment - Officers have considered the consultation period and believe that the proposed 10 working days represents a fair balance, in that it affords consultees with effectively 2 weeks to respond without unduly delaying applications
Appendix A1 - Just to clarify - supposing a 'badge' is unfortunately misplaced (lost) - what measures are in place for solution?? Reference to Q21 - a solid query requiring a sensible answer!	N/A	Comment - A procedure will be in place for consent holders to obtain replacement badges.
Are Buskers and Street Entertainers covered by this policy, if they are not they should be. If they are covered by this Policy the document needs to make it clear that they are. Recommend there is an area on the website for listing pending applications in the same way as planning applications.	N/A	Comment - Buskers and Street Musicians fall outside the scope of the street trading regime.
I think it is important that local businesses feel they have some protection from the 'cheap and cheerful' type market traders who seem to undercut prices and on numerous occasions leave a mess.	N/A	Comment - The Policy states that the needs of the area shall be considered when determining applications. Specifically whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing



# Scarborough Borough Council Equality Impact Assessment

<b>Service:</b>	<b>Licensing</b>	<b>Date:</b>	<b>21 December 2016</b>
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<b>Impact Assessment:</b>	<b>Street Trading Policy 2017</b>
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<b>Name and roles of officers completing the assessment:</b>	Petra Jackson, Performance and Admin Manager Mark Heaton, Licensing Officer Alan Fane, Licensing Officer
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<b>Background Information</b>	<p>Under the Equality Act 2010, Local Authorities have a duty to have regard to three aims</p> <ul style="list-style-type: none"> <li>• Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.</li> <li>• Advance equality of opportunity between people who share a protected characteristic and those who do not.</li> <li>• Foster good relations between people who share a protected characteristic and those who do not.</li> </ul>	
	<table border="0"> <tr> <td style="vertical-align: top;"> <p>There are nine protected characteristics which <b>employees</b> might have:</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Marriage or civil partnership</li> <li>• Pregnancy and maternity</li> <li>• Race</li> <li>• Religion and Belief</li> <li>• Sex (gender)</li> <li>• Sexual Orientation.</li> </ul> </td> <td style="vertical-align: top; padding-left: 20px;"> <p>There are eight protected characteristics of <b>people who use services</b>, which are:</p> <ul style="list-style-type: none"> <li>• Age (over 18s only)</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Pregnancy and maternity</li> <li>• Race</li> <li>• Religion and Belief</li> <li>• Sex (gender)</li> <li>• Sexual Orientation.</li> </ul> </td> </tr> </table>	<p>There are nine protected characteristics which <b>employees</b> might have:</p> <ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Marriage or civil partnership</li> <li>• Pregnancy and maternity</li> <li>• Race</li> <li>• Religion and Belief</li> <li>• Sex (gender)</li> <li>• Sexual Orientation.</li> </ul>
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**PART 1: AIMS & OBJECTIVES**

**What is the service / policy / function / project trying to achieve and for who?**

**Is this a new service / policy / function / project or a review of an existing one?**

New Policy

**What are the Aims, Objectives or Purpose of the service / policy / function / project?**

**What is the Council trying to achieve, and what outcomes are sought?**

Please give a brief description of the service / policy / function / project

If you are assessing a proposed change to the service or policy what is the aim of the change?

The overall objectives of this Policy are to:

- (a) regulate the amount of street trading within the Borough;
- (b) ensure that any permitted street trading is properly regulated as to where, when and how it takes place;
- (c) prevent obstruction of the Borough's highways;
- (d) ensure that street traders and those that they employ are 'fit and proper' to hold a permit;
- (e) ensure the safety of the public and of the traders permitted to trade;
- (f) ensure that any activities do not cause nuisance or annoyance to the general public and those traders surrounding the permitted street trader;
- (g) permit temporary or occasional street trading, where appropriate; and
- (h) create a street trading environment that complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice and seeks to enhance the character, ambience, vibrancy and safety of the local environment.
- (i) To ensure that appropriate safeguarding measures are in place for children and vulnerable persons and, where concerns are raised, the North Yorkshire safeguarding procedure will be implemented.
- (j) To balance the needs of the Borough's residents and permanent traders with the need to encourage local business into the community thereby enhancing the image of the Borough.

The Council recognises the importance of local businesses to the local economy and that occasional or community-run events and those of a similar nature are important factors.

**Who are the main stakeholders? What do the stakeholders want?**

E.g. Consider: Employees/potential employees, Members and Councillors, residents of the Borough, visitors & tourists, retailers, businesses, contractors & suppliers, service users etc.

The main stakeholders are:

- Members of the Public
- Residents
- Visitors
- Applicants
- Consent Holders
- Borough Council Services
- Trade Bodies/organisations
- Retailers/Businesses
- Police
- Fire Service
- NYCC Trading Standards
- NYCC Highways Service
- Councillors

Stakeholders want the following:

- a Street Trading regime which is fair, transparent, consistent and is accessible to all.
- adequate protection and safeguarding for the public

## PART 2: EQUALITY DATA – Available data, research and information

**What information is available about the service / policy / function / project?** E.g. usage data, satisfaction data, census data, national statistics, surveys, consultation, focus groups, complaints feedback and other quantitative or qualitative feedback

- Who will be the applicants/consent holders? I.e., breakdown by equalities group
- Does this tell us anything about gaps in or issues with service provision?

This is a new policy therefore limited information is available about prospective applicants.

**What do you need to know about this service / policy / function / project? What information is needed to ensure that all perspectives are taken into account?**

- Are there any barriers to particular groups applying for/gaining consents?
- What are the statutory requirements and do these conflict with any objectives/aims?
- Who are the applicants/consent holders? I.e., breakdown by equalities group
- Does this tell us anything about gaps in or issues with service provision?

**Are there identified gaps in the information needed?** (Actions to collect this data should be included within the action plan)

There are gaps in information as the Policy has not yet been implemented.

## PART 3: ASSESSING NEEDS & IMPACTS

**Consider the particular characteristics of the groups and communities and assess whether there is likely to be a differential impact upon each of the groups because of the way the service / policy / function / project is designed or delivered.**

- How are the current needs of different equalities groups and communities met through the service / policy / function / project?
- Do people from different equalities groups have varying needs and/or expectations of the service / policy / function / project?
- Does it disadvantage or exclude groups?
- Is it likely to affect the relationship between different groups? E.g. Any issues of perceived bias, tension or other issues affecting community cohesion
- Is there any initial evidence that any part of it could discriminate unlawfully, directly or indirectly, against particular groups of people?
- Is there an opportunity to promote equality?
- Is there any evidence that information in relation to it is not accessible to particular groups of people? E.g. Publicity, knowledge, access to information (e.g. languages, large print)

	<b>Are there any impacts?</b>	<b>What evidence do you have?</b>	<b>Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan</b>
<b>RACE/ ETHNICITY:</b>	None identified		n/a
<b>GENDER</b>	Positive impacts on women who are more likely to be carers – regulation will help control access to footpaths/paved areas etc		n/a
<b>GENDER IDENTITY:</b>	None identified		n/a
<b>DISABILITY:</b>	Positive impacts on wheelchair users through better control of access to footpaths/highways, etc Positive impacts on the visually impaired though better control of access to footpaths/highways, etc		n/a
<b>SEXUAL ORIENTATION:</b>	None identified		n/a



	<b>Are there any impacts?</b>	<b>What evidence do you have?</b>	<b>Are any negative impacts mitigated? If not, actions to mitigate the effects should be include in the action plan</b>
<b>AGE:</b>	Street Trading legislation prevents a child to engage or be employed in Street Trading (unless permitted by Local Authority byelaws, which do not apply to this Authority). The policy supports the view that the interests of young persons should be protected. Consent holders and authorised assistants must be 17 years of age and over The Policy also aims to safeguard young and vulnerable people through requirement for a criminal record disclosure.		<ul style="list-style-type: none"> <li>Justified on grounds of public safety Policy aims to ensure that appropriate safeguarding measures are in place for the public including children and young people.</li> </ul>
<b>RELIGION / BELIEF:</b>	No impacts identified		
<b>OTHER SOCIAL EXCLUDED GROUPS, INC ECONOMIC DEPRIVATION:</b>	Costs of obtaining a consent, insurance and criminal record disclosure, etc, may exclude some individuals from obtaining consents		<ul style="list-style-type: none"> <li>Justified on the grounds of public safety</li> </ul>
<b>ALL GROUPS</b>	Requirement for criminal record disclosure may exclude some individuals for obtaining consents		<ul style="list-style-type: none"> <li>Justified on the grounds of public safety</li> </ul>

## PART 4: MITIGATING ADVERSE IMPACTS

### **Adverse Impacts – “Discriminates or disadvantages one or more groups”**

Summarise any adverse impacts of the service / policy / function / project in the table below. If you have identified that the service / policy / function / project is having, or might be having and adverse impact, is it justifiable or legitimate?

- If the adverse impact **is** justifiable or legitimate, please provide reasons why. Detail what actions could be taken to mitigate the adverse impact on people?
- If the adverse impact **is not** justifiable or legitimate and is therefore illegal, please details what actions are been taken to remedy this immediately?

*(please include all actions within the action plan)*

Any negative impacts identified are considered to be justified to achieve the aims of the policy - Impacts identified are generally positive in seeking to promote public safety and safeguarding.

## PART 5: FORMAL CONSULTATION

**What gaps in knowledge or data have been identified and what further data / consultations are required?** *(Actions to collect this data should also be included within the action plan)*

Data will need to be gathered on applicants when policy is implemented.

## PART 6: DECISION MAKING

A decision will need to be made regarding the adoption of any new and any changes to existing policies, strategies or projects *(e.g. through the Council's Cabinet/Committee or relevant Partnership Board for any partnership and regional strategies and policies)* which should take account of all assessments and consultation. The decision will need to ensure that the strategy or policy complies with the equality legislation including the duty to promote equality.

Please provide details of how the decision to adopt the policy, strategy or project will be made, including who will make the decision, what information will inform the decision-making process and how the decision-making process be recorded

Approval at Cabinet 11 April 2017

Final Approval at Council 8 May 2017

***Please note in line with the Council's Policy Framework, drafts of all new/amended policies and strategies together with the Equality Impact Assessment must be reviewed by Policy & Performance***

## PART 7: EQUALITY MONITORING

**How will the impact of this service / policy / function / project continue to be monitored?**

*(Actions to collect this data should also be included within the action plan)*

Monitored and reviewed on a five yearly basis

## PART 8: AUDIT TRAIL & PUBLICATION

### Officer Completing the Form:

<b>Signed:</b>		<b>Name:</b>	Petra Jackson
		<b>Date:</b>	21/12/16
		<b>Job Title:</b>	Performance and Admin Manager

### Head of Service:

<b>Signed:</b>		<b>Name:</b>	
		<b>Date:</b>	
		<b>Service:</b>	

### Audit Trail: (To be completed by Policy & Performance)

<b>Received by:</b>	
<b>Date:</b>	
<b>Published on Website?</b>	Yes / No



*A great place to live, work & play*

**SCARBOROUGH BOROUGH COUNCIL**

# **Street Trading Policy**

**XX May 2017**

**DOCUMENT CONTROL**

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**REVIEW HISTORY**

Date	Reviewed By	Version	Any Revisions?

**REVISION HISTORY (only required where changes made)**

Date	Revised By	Version	Description of Revision

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# SCARBOROUGH BOROUGH COUNCIL'S POLICY ON STREET TRADING

## Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

A Street Trading Consent is required if you wish to sell any articles (including a living thing) in a street to which the public have free access without payment. This includes privately owned land.

### 1.1 Policy Interpretation

Throughout this Policy:

- 'The Act' means the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4
- 'The Council' means Scarborough Borough Council;
- 'Consent' means Street Trading Consent;
- 'Consent Holder' means Street Trading Consent holder;
- 'Consent Area' means the approved area/site for street trading;
- 'NYCC Highways Authority' means North Yorkshire County Council Highways Authority;
- 'The vehicle/stall' means any stationary van, cart, barrow, other vehicle or portable stall;
- 'Authorised Officer' means a Council Officer authorised under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; and
- 'Authorised Assistant' means the individual who has been authorised by the Council to trade and has been provided with an identification badge;

### 1.2 Introduction

- (a) This Policy will deal with all applications for Street Trading Consents within the Borough of Scarborough and it will guide the Council in considering applications for Consents. It will inform applicants of the parameters within which the Council will make decisions.
- (b) This Policy recognises that North Yorkshire County Council is the principal Highways Authority with responsibility for the maintenance of highways and the Council will continue to work cohesively with the NYCC Highways Authority in all aspects related to street trading in the Borough of Scarborough.
- (c) The Council is mindful of its duty under s17 of the Crime & Disorder Act 1998 where the Council has a duty to exercise its functions on, and the need to do all that it can to prevent crime and disorder in its area.



## **2. POLICY OBJECTIVES, REVIEW & CONSULTATION**

### **2.1 Policy Objectives**

2.1.1 The overall objectives of this Policy are to:

- (a) regulate the amount of street trading within the Borough;
- (b) ensure that any permitted street trading is properly regulated as to where, when and how it takes place;
- (c) prevent obstruction of the Borough's highways;
- (d) ensure that street traders and those that they employ are 'fit and proper' to hold a permit;
- (e) ensure the safety of the public and of the traders permitted to trade;
- (f) ensure that any activities do not cause nuisance or annoyance to the general public and those traders surrounding the permitted street trader;
- (g) permit temporary or occasional street trading, where appropriate; and
- (h) create a street trading environment that complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice and seeks to enhance the character, ambience, vibrancy and safety of the local environment.
- (i) To ensure that appropriate safeguarding measures are in place for children and vulnerable persons and, where concerns are raised, the North Yorkshire safeguarding procedure will be implemented.
- (j) To balance the needs of the Borough's residents and permanent traders with the need to encourage local business into the community thereby enhancing the image of the Borough.

2.1.2 The Council recognises the importance of local businesses to the local economy and that occasional or community-run events and those of a similar nature are important factors.

### **2.2 Policy Review**

2.2.1 This Policy will be kept under review and a full consultation exercise carried out when major changes are made to it. It is anticipated that major reviews of the Policy will take place every 5 years. However, the Policy will be regularly evaluated and may be changed at any time to reflect minor, administrative or legislative changes or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any such changes will be agreed by Full Council.

2.2.2 Examples of "major changes" are changes that are:

- likely to have a significant financial effect on consent holders; or
- likely to have a significant procedural effect on consent holders; or
- likely to have a significant effect on the community.

## **2.3 Consultation**

2.3.1 In determining this Policy the Council has undertaken widespread consultation and has consulted with the following people and bodies:-

List of Consultees to include:

- Existing licensed traders based in Town centres
- Other known street traders
- General public via an on-line survey on the Council's web-site
- The Council's Overview &Scrutiny Board
- The Chamber of Trade
- North Yorkshire Police
- North Yorkshire County Council
- North Yorkshire Fire and Rescue Service
- Other interested stakeholders such as the Council's Estates, Property, Legal, Finance, Economic Development and Tourism Services.

2.3.2 The Council has taken into account the views of all the appropriate bodies and organisations

## **3. LEGISLATION RELATING TO STREET TRADING**

### **3.1 Definitions**

3.1.1 Street Trading for the purposes of the Act is defined as: *"the selling or exposing or offering for sale of any article (including a living thing) in a street"*.

3.1.2 A street is defined as *"any road, footway, 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, and also includes part of any street"*.

### **3.2 Exemptions**

3.2.1 The following are not street trading for the purposes of this legislation:

- (a) Persons trading as a pedlar under a Pedlar's Certificate issued by the Police under the Pedlar's Act 1871
- (b) Anything done in a market or fair that has been authorised by legislation or is an acquired right due to the time the market or fair has been in existence\*;
- (c) Trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act 1980;
- (d) Trading as a news vendor where the only articles sold, exposed or offered for sale are newspapers or periodicals. However, they must either be sold, exposed or offered without any stall or from a stall the dimension of which:
  - does not exceed 1 metre in length or width or 2 metres high;
  - does not occupy a ground area exceeding 0.25 square metres; or
  - does not stand on the carriageway of a street

- (e) Trading which:
- is carried on at a premises used as a petrol filling station;
  - is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop.
- (f) Selling, exposing or offering for sale any goods as a roundsman. A roundsman being somebody who follows a set route to attend on specific customers either to take orders or to deliver goods, e.g. a milkman;
- (g) The use of trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway, i.e. Street Café (Amenity) licences;
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980; and
- (i) The doing of anything authorised by regulations made under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 (i.e. street collections).  
\*\*

3.2.3 **\*Please note – Markets Exemption (b):** Traditional street markets and traditional fairs that either have a charter granting the right to hold a market or fair in a specified place and upon a particular day or days, or that are permitted by an Enactment or an Order, are exempt from requiring a Consent. However, in all other circumstances, for example non-chartered, continental or themed markets, a Consent will be required.

3.2.4 **\*\*Please note – Street Collection Exemption (i):** Where a Street Collection Permit is in force there is no requirement for a Consent. However, where a Street Collection Permit is not in force and the sale of articles takes place for a charitable or other purpose a Consent application and fee will be required.

### **3.3 Street Designation**

3.3.1 Scarborough Borough Council has adopted Schedule 4 of the Act for the whole of its area and on xx xxxxx 2017 made a Resolution to determine that all streets within the Borough of Scarborough are designated as 'consent streets' with effect from xx xxx 2017. The effect of this designation is that street trading in any street within the Borough is not permitted without first obtaining Consent from the Council.

3.3.2 Any person who engages in street trading without first obtaining Consent from the Council is guilty of an offence.

### **3.4 Examples of Street Trading**

#### **3.4.1 Cultural and Community events, festivals and similar events**

3.4.1.1 Community and similar events will normally be those organised by a Town or Parish Council, Scarborough Borough Council or by a recognised group or charity with aims of engaging with, and providing support to, the local community.

## Appendix 1 – Draft Street Trading Policy

3.4.1.2 Community and similar event applications would typically, but not exclusively, include:

- Local Charity events
- Community fairs and craft events
- International or themed markets
- Events celebrating local anniversaries.

In cases of doubt, an Authorised Officer using delegated powers shall determine whether an application is to be considered a community or similar event.

3.4.1.3 In determining this Policy it is recognised that community and similar events are vital for a thriving community. Cultural and community events are classed as those held to raise funds for charity or charitable purposes, community projects or other similar worthy causes provided that any funds raised are for such causes and are not for individual profit. However, it is recognised that some of these events may have a number of pitches where businesses pay to trade during the event or seek to donate a proportion of their profit to a charitable cause and whilst the fee may be donated to a charity or nominated fund, the trader nevertheless makes a profit. The Consent fee for such events is therefore determined by the number of available pitches that are let to traders.

3.4.1.4 The scale of Consent fees for such events is shown in **Appendix B**. Organisers of events where there are multi traders therefore should ensure that any additional costs for obtaining the relevant Consent is reflected in the fee levied for such pitches.

### **3.4.2 Car Boot Sales**

3.4.2.1 Organisers of a car boot sale to which the public have access without payment must apply for Consent.

3.4.2.2 Whether or not a car boot sale is organised to raise funds for a local good cause and there is no private gain, a Consent will still be required and the appropriate fee charged.

### **3.4.3 Commercial selling of vehicles on the highway**

3.4.3.1 The commercial selling of a vehicle on the highway falls within the scope of street trading and therefore a Consent is required from the Council. Additional restrictions are set out in Section 3 of the Clean Neighbourhoods and Environment Act 2005. This states that a person is guilty of an offence if at any time, acting in the course of a business selling motor vehicles, he leaves two or more motor vehicles parked within 500 metres of each other on a road or roads where they are exposed or advertised for sale,

## **3.5 Mobile Traders**

3.5.1 When an applicant for Consent seeks to trade from various different locations for short periods of time, e.g. fish and chip van or ice cream van, a Consent may be granted for multiple locations. Traders must comply with the additional conditions applicable to mobile traders outlined in this Policy (see **Appendix A4**).

## 4. APPLICATION PROCESS

### 4.1 Application Process for New Street Trading Consent

- 4.1.1 Consents may be applied for a maximum period of 12 months but shorter periods are also available.
- 4.1.2 An application for a Consent must be made by an individual either on line or in writing on the Council's approved application form. The individual applying for the Consent shall be the person responsible for the day-to-day management of the vehicle/stall and shall normally be present whilst trading is taking place. It is recognised that one individual may hold two or more consents and as such, it may not always be practical to be present whilst trading is taking place. Application forms are available from the Council at the address below or can be downloaded from the Council's website. The appropriate fee and required supporting documentation must accompany the application form. Fees are listed in at **Appendix B**
- 4.1.3 Where the application is made on behalf of a company or corporate body the application must be made by the individual who is to be responsible for the day-to-day management of the vehicle/stall and who shall normally be present whilst trading is taking place.
- 4.1.4 The following must be submitted with the application form:
- (a) A completed and signed Consent Application Form.
  - (b) An application fee of £100 for those seeking to street trade for up to 3, 6 or months which is payable for an initial enquiry into the suitability of a proposed location. If the site is not approved then the £100 fee will be retained to cover administrative costs. If the application is approved the applicant must submit the balance of the relevant consent fee before the Council will issue the consent.
  - (c) A colour photograph of the applicant and any Authorised Assistant(s)
  - (d) Full names and addresses of all Authorised Assistant(s).
  - (e) A colour photograph of the vehicle/stall from which trading is proposed to take place
  - (f) Dimensions of the vehicle/stall and any identifying marks, e.g. vehicle registration, etc.
  - (g) In respect of an application for Consent to trade from a fixed site, a location plan of where the vehicle/stall will be positioned in an appropriate scale to identify the exact location of the vehicle/stall and surrounding areas and streets. The plan must clearly identify the proposed street trading site and the ground dimensions it will cover. In some instances further clarification of the exact location of the vehicle/stall may be required and applicants should note that this may delay the application process. This does not however apply to mobile traders.
  - (h) In respect of an application for Consent for mobile trading, a list of the sites from which trading is proposed to take place and proposed start and finish times of trading.
  - (i) A valid insurance policy for public liability of at least £2 million.
  - (j) Where the consent area is on private land written approval from the land owner;
  - (k) A basic criminal disclosure check with a date within three months of the application (not required in the case of community and charitable events) and
  - (l) Any additional information the Council may reasonably require.

## **Appendix 1 – Draft Street Trading Policy**

- 4.1.5 Once the above documents and relevant application fee have been submitted, the Council will carry out all necessary consultations in accordance with section 5 of this Policy before making a decision on whether or not to grant a Consent

### **4.2 Renewals**

- 4.2.1 Applications for renewal will only be considered for Consents of 12 months. The full renewal fee will need to be submitted with the completed application form. Applications for renewal of a Consent will be granted provided that no substantiated complaints have been received regarding: (i) the manner in which the Consent Holder has conducted their business; or (ii) the consent holder's or authorised assistant's conduct; and (iii) where no relevant objections have been received. In addition a new basic criminal record disclosure will only be required every 3 years.
- 4.2.2 All renewal applications must be submitted a minimum of 4 weeks prior to the expiry of the current Consent to allow for processing of the application. Generally no further consultation will be necessary when dealing with a renewal application, however, the Council reserves the right to consult where there are, or have been, concerns raised in the previous Consent period.
- 4.2.3 The responsibility for ensuring renewal of Consents rests solely with the consent holder, the Council will not send out reminders. If a renewal application and fee are not submitted then the Consent will lapse. A renewal application will not be accepted after the expiry of any existing Consent. The effect of this will be that a trader will not be permitted to trade until a new application and fee has been submitted and the Consent is granted.

### **4.3 Fees**

- 4.3.1 Fees will be set, on a full cost recovery basis, by Full Council and will be reviewed on an annual basis. Current fees are published on the Council's website.
- 4.3.2 The application fee specified in section 4.1.4 (b) above must be paid upon application for a Consent. Failure to submit this fee upon application will result in the application or renewal being rejected.
- 4.3.3 Where the application for a grant or renewal of a Consent is refused, or subsequently withdrawn by the applicant, the application fee of £100 will be retained to cover the Council's administrative costs.
- 4.3.4 Where the Consent is revoked or surrendered the Council shall refund a pro-rata proportion of the application fee paid based on the outstanding number of full months for which the fee was paid. However, a reasonable administration fee will also be deducted in all such circumstances.
- 4.3.5 Although in some cases there may be no fee applicable, a Consent is still required in order for the Council to monitor trading in the area. Where there is any doubt on whether or not a trader is exempt from a Consent fee an authorised officer using delegated powers shall make the final decision.

#### **4.4 Data Protection Act and Fair Processing**

- 4.4.1 Scarborough Borough Council will use the information you provide for the administration and regulation of street trading. We will comply with the Data Protection Act 1998 and will not disclose information about you to anyone outside Scarborough Borough Council, nor use information about you for other purposes, unless it is lawful to do so.
- 4.4.2 Scarborough Borough Council is under a duty to protect the public funds it administers. To this end we may use the information you provide for the purpose of the prevention or detection of crime, or for the assessment or collection of any tax or similar duty. We may also share this information with, or obtain information from, other public bodies administering public funds or law enforcement agencies.
- 4.4.3 Further information about our use of personal information can be found on the Council's website or by contacting the Council's Data Protection Officer.

### **5. DECISION MAKING**

#### **5.1 Process**

- 5.1.1 Following receipt of a fully completed application for Consent, the Council will consult with the following:

- North Yorkshire Police
- NYCC Highways Authority
- Filey and Whitby Town Councils
- North Yorkshire Fire & Rescue Service
- The Council's Planning and Economic Development Services
- North York Moors National Parks Authority (where the site falls within the National Park)
- The Council's Environmental Services Department (Commercial Regulation and Cleansing services)
- The Council's Tourism and Culture Department (where relevant)
- The Council's Estates' Department (where the site is owned by the Council)
- North Yorkshire County Council's Trading Standards Service
- The Council's Safer Communities Department
- The Council's Legal Services Department
- The Council's Finance Department

In some cases additional consultation may take place as deemed appropriate for the circumstances of the application.

- 5.1.2 A period of 10 working days will be permitted commencing the day after the Council has received the application for consultees to respond with any objections or comments relating to the application for Consent. If no response is received from any consultees it will be assumed that they do not have objections/representations to make concerning each application.

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5.1.3 All objections will be assessed against the principles set out in this Policy. An authorised Officer with delegated powers shall determine whether an objection is relevant.

5.1.4 In considering any application for the grant or renewal of a Consent, the Policy Objectives and the following factors will be taken into account:

### **5.1.4.1 Public Order**

Whether the street trading activity(ies) represents, or is likely to represent, any risk to public order.

A Consent will not be issued for a location or time period that may lead to or increase incidences of crime and disorder.

### **5.1.4.2 Public Nuisance**

Whether the street trading activity(ies) represents, or is likely to represent, any risk of nuisance to the public or other traders from noise, misbehaviour, odour, littering or other nuisances. In particular the Council's Byelaws must be complied with.

Particular regard to this will be had in respect of Consents in predominantly residential areas.

### **5.1.4.3 Public Safety**

Whether the location of the street trading activity(ies) represents, or is likely to represent, a significant risk to the public from the point of view of obstruction, fire hazards or unhygienic conditions, or danger that may occur when a trader is accessing the site.

### **5.1.4.4 Needs of the area**

Whether the demand for the articles proposed to be sold is already met in the geographical area by adequate and sufficient provision of other trading outlets already existing.

### **5.1.4.4 Highway Requirements**

The effect on users of the highway.

Whether there is sufficient space for a trader to engage in trading without causing undue interference or inconvenience to persons using the highway.

### **5.1.4.5 Suitability of Applicant**

Whether or not the applicant/consent holder is suitable to hold a Consent by reason of having been convicted of any offence, received a caution, failed to comply with a financial agreement with the Council, or for any other reason.

### **5.1.4.6 Suitability of Locations**

Consents to trade from static locations will not normally be granted where:



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- Road safety would be compromised either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- There would be a significant loss of amenity caused by additional traffic or disturbance (e.g. noise, odour, fumes, etc.);
- There is a conflict with Traffic Management Orders such as waiting restrictions;
- The site or pitch obstructs either pedestrian or vehicular access or traffic flows or places pedestrians in danger when in use for street trading purposes;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The pitch interferes with sight lines for any road users such as at road junctions or pedestrian crossing facilities; or
- The site does not allow the Consent Holder, staff and customers to park in a safe manner.

### 5.1.4.7 Suitability of Vehicle/ Stall

Whether the Vehicle/Stall is of a smart appearance such as to enhance the local environment

### 5.1.4.8 Environmental

What impact the proposed trading might have on the local environment, including street surfaces and material, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers and what mitigating measures are proposed to minimise environmental impact.

What impact the proposed trading might have on the character, ambience, vibrancy and diversity of the street scene within the Borough

### 5.1.4.9 Food Traders

Whether or not an applicant seeking consent to trade in hot or cold food holds a current Level 2 Hygiene Certificate.

This list is not exhaustive and each application will be considered on its own merit.

- 5.1.5 As NYCC Highways Authority is the principal authority for the maintenance of highways any application for a Consent that prevents NYCC Highways Authority from undertaking its duties or compromises highway safety will be refused or revoked if NYCC Highways Authority recommends such action.

## 5.2 Decisions and Appeal

- 5.2.1 An Authorised Officer with delegated powers is authorised to:-

## Appendix 1 – Draft Street Trading Policy

5.2.1.1 Grant Consents under the Act to applications and renewal applications and attach such conditions as the Council deems necessary;

5.2.1.2 Refuse any application for Consent where:

- (i) in the opinion of the Authorised Officer the application does not comply with the Council's criteria or Policy;
- (j) objections have been received from any of the following consultees (North Yorkshire Police, North Yorkshire Fire & Rescue Service, NYCC Highways Authority) on the grounds of public or highway safety

5.2.1.3 Refer applications to the Licensing Sub-Committee for determination where:

- (i) Any matter may be referred to the Licensing Sub-Committee for final determination if an Authorised Officer considers this is appropriate for the particular circumstances of the case particularly if the issue is of a sensitive nature or may attract media attention.

5.2.1.4 The applicant and objector(s) will be advised that the application will proceed to a hearing of the Licensing Sub Committee within 20 working days from the end of the consultation period.

5.2.1.5 Following the determination of a new application, renewal or revocation, there is **no right of appeal** under the legislation against refusal to issue or renew a Consent. Therefore if an applicant is aggrieved by the Council's decision they have the option to make a corporate complaint or seek a Judicial Review of the decision made.

5.2.1.6 The Scheme of delegation, which summarises key decision makers can be found in **Appendix C**.

## **6. GRANT OF CONSENT AND CONDITIONS**

6.1 Following determination the Consent will be:

6.1.1 Granted with standard conditions;

6.1.2 Granted with standard and additional conditions; or

6.1.3 Refused

6.2 Where a Consent is granted, the applicant will be issued with a Consent that must be available for inspection by an Authorised Officer or Police Officer at all times when trading. This Consent will specify the time and days authorised for trading including the consent area, type of vehicle/stall and description of goods for sale.

6.3 Standard conditions that will be attached to all Consents can be found at **Appendix A1** to this Policy. When granting or renewing a Consent the Council may attach such additional conditions as it considers necessary to any Consent Additional Conditions will be attached in respect of Consents for Markets, Community and similar events and Mobile Trading, **Appendices A2, A3 and A4**.

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- 6.4 Failure to comply with the conditions of any Consent may lead to revocation or non-renewal of the Consent or prosecution.
- 6.5 The Council retains the right to amend and vary the conditions of a Consent at any time.
- 6.6 Consents shall not be assigned or transferred to any other person. If a business is sold the new owner of the business must apply to the Council for a new Consent and must not trade until the application has been processed and approved.

## 7. **ENFORCEMENT**

- 7.1 In considering any enforcement action, the Council will bear in mind the Human Rights Act, in particular:
- Article 1, Protocol 1 – peaceful enjoyment of possessions.
  - Article 6 – right to a fair hearing
  - Article 8 – respect for private and family life
  - Article 10 – right to freedom of expression
- 7.2 The Council sets out below the principles to be applied in exercising its functions with regard to inspection and enforcement. The Council in carrying out its regulatory functions will follow the Statutory Code of Practice for Regulators, namely:
- Proportionate: only intervening when necessary
  - Accountable: justifying its reasons
  - Consistent: standards and rules to be joined up and implemented fairly
  - Transparent: simple and user friendly
  - Targeted: focused on the problem.
- 7.3 Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 sets out the offences for non-compliance with the provisions as set out in this Policy. Offences for which a person may be convicted and fined include for example:
- (a) engaging in street trading in a consent street without being authorised to do so;  
or
  - (b) contravening any condition of their Consent; or
  - (c) making a false statement which he knows to be false, in connection with an application for a Consent
- 7.4 An Authorised Officer may visit the Consent Holder or Consent Area and inspect the vehicle/stall or other vehicle or premises that the applicant trades from to ensure compliance with the conditions and criteria set down within this Policy. Periodic inspections may occur during the consent period to ensure full compliance.
- 7.5 Standard conditions will be attached to all Consents detailing the holder's responsibilities to maintain public safety on the highway, avoid nuisance and generally preserve the amenity of the locality. Additional conditions may also be attached to a Consent. Failure to comply with any conditions may lead to revocation, non-renewal of the Consent or prosecution.

## Appendix 1 – Draft Street Trading Policy

7.6 The Consent may be revoked, not renewed or conditions altered at any time by the Council by notice in writing. This may be for the following reasons although the list is not exhaustive:

- Non-compliance with policy, conditions or relevant legislation;
- causing a nuisance to local residents/businesses;
- changes in local conditions, e.g. parking restrictions;
- the consent holder receiving a criminal conviction or caution;
- compromising highway safety;
- preventing NYCC Highways Authority from undertaking its duties;
- street works necessitating a temporary suspension of the Consent; or
- any other reasonable grounds

7.7 The Council retains the right to revoke the Consent without notice and without being liable to the consent holder or any other person for any loss sustained directly or indirectly, if it is considered to be in the best interest of the community and, if in the opinion of an authorised officer under delegated powers, that such action is necessary to promote the objectives within this Policy or for any other reasonable cause. Reasons will be provided for any revocation.

## 8. **Contacts**

The licensing function is part of the Environmental Services section of the Council. Applicants can contact the Licensing Authority at:

Environmental Health Service (Commercial Regulation)  
Scarborough Borough Council  
Environmental Services  
Town Hall  
St. Nicholas Street  
Scarborough, YO11 2HG  
e-mail: [licensing.services@scarborough.gov.uk](mailto:licensing.services@scarborough.gov.uk)  
Telephone: 01723 232323

For Street Café licences:

North Yorkshire County Council  
E-mail: [HighwayAssetManagement@northyorks.gov.uk](mailto:HighwayAssetManagement@northyorks.gov.uk) or  
[area3.whitby@northyorks.gov.uk](mailto:area3.whitby@northyorks.gov.uk)  
Tel: 0845 8727374  
[www.northyorks.gov.uk](http://www.northyorks.gov.uk)

**APPENDIX A1  
STREET TRADING CONSENT STANDARD CONDITIONS**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 4**

- |                           |  |
|---------------------------|--|
| <b>Conditions</b>         | <ol style="list-style-type: none"><li>1. The Consent will stipulate the consent area, the type of vehicle/stall and description of goods and any other relevant information. The consent holder must comply with all conditions outlined in this Policy.</li><li>2. Failure to comply with any condition attached to the Consent may result in the revocation of such Consent.</li></ol>   |
| <b>Display of Consent</b> | <ol style="list-style-type: none"><li>3. A copy of the Consent shall be prominently displayed on the vehicle/stall to which it relates whilst trading is taking place so that it can be seen and read by persons intending to purchase any article.</li></ol>  |
| <b>Approval</b>           | <ol style="list-style-type: none"><li>4. Where the consent area is on private land the applicant for the Consent must first obtain prior written approval from the landowner and this must accompany the application.</li><li>5. Where the consent area is on publicly-maintained highway, unless approval is obtained from NYCC Highways Authority, no street trading activities will be allowed.</li><li>6. Where the consent area is on Council or NYCC owned land, unless approval is obtained from the Council or NYCC, no street trading activities will be allowed.</li></ol> |
| <b>General</b>            | <ol style="list-style-type: none"><li>7. The grant of a Consent shall not be deemed to give any approval or consent which may be needed under any Byelaw, enactment or regulation other than Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</li><li>8. The consent holder shall meet all statutory duties and</li></ol>   |

obligations placed upon them relevant to the nature of the street trading, e.g. Planning consent, Health and Safety at Work, etc. Act 1974, Environmental Protection Act 1990, Food Safety Act 1990, Food Safety and Hygiene Regulations 2013, Regulation (EC) No. 852/2004, Regulatory Reform (Fire Safety) Order 2005, Cleaner Neighbourhoods & Environment Act 2005, Licensing Act 2003. This list is not exhaustive and it is the responsibility of the consent holder to ensure full compliance of all relevant legislation in particular any relevant Highway legislation.

9. The consent holder is not and shall not hold himself out as being the servant or agent of the Council whether orally or in writing.
10. The consent holder shall not hold himself out as having the power to make, vary, discharge or waive any byelaw or regulation of any kind.

**Age**

11. Consent holders and authorised assistants must be 17 years of age and over.

**Liability**

12. The consent holder must have a valid insurance policy for public liability providing cover to a minimum amount of £2,000,000, a certificate of which must be produced upon application.
13. There may be times when the permitted area will be unavailable due to utility, maintenance or construction works. This is a normal function of NYCC Highways Authority and utility companies and will not, therefore, be subject to compensation.
14. Nothing contained in these conditions shall relieve or excuse the consent holder or his employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs

arising from the consent.

15. No damage shall be caused to the public highway as a result of the street trading activity taking place and the consent holder shall reimburse the Council's and/or NYCC Highways Authority's costs in repairing any damage caused.

**Commodities and Goods**

16. The consent holder shall not sell any type of food, goods or merchandise other than that specified in the Consent.
17. The consent holder must confine the selling of goods and merchandise within the approved consent area and will not be permitted to erect additional tables, awnings or any other structure.
18. There shall be no sale of goods that are likely to conflict with those provided by nearby shops and premises.
19. No live animals (e.g. mammal, reptile, fish or bird shall be permitted to be sold from any stall or vehicle.
20. The consent holder shall not knowingly allow the sale of any counterfeit/fake material and shall comply with any relevant Trading Standards legislation.
21. The consent holder shall not knowingly allow the sale of offensive weapons.

**Provision of Hot Food and Sales of Alcohol**

22. No trading of hot food or drinks shall be permitted before 5am or after 11pm or sales of alcohol unless a Premises licence has been issued or a Temporary Event Notice served on the Council and not objected to, in accordance with the Licensing Act 2003.

- Auction** 23. The consent holder shall not hold any auction or like sale.
- Trading Days & Times** 24. Trading may only take place on the days and during the times specified on the Consent.
- Position** 25. The consent holder shall trade only from the consent area indicated on the Consent.
- Subletting/ Transfer** 26. The consent holder may employ any other person to assist in the conduct of the business but may not let, assign or part with his interest or possession under this Consent or any part thereof but he may surrender it at any time. The rights granted by the Consent cannot be sublet, transferred or shared with any other person or party and is personal to the consent holder.
- Change of address** 27. Consent holders shall notify the Council of any changes to their contact details as soon as it occurs, such as home address, telephone or email. A fee is applicable (see **Appendix B**).
- Authorised Assistant(s)** 28. Consent holders shall notify the Council of any changes of authorised assistant(s) with their full names and addresses as soon as the changes occur. The consent holder shall also notify the Council of any changes of contact details of an authorised assistant(s). A fee is applicable (see **Appendix B**).
- Badges** 29. The consent holder and authorised assistant(s) shall wear a street trader identification badge provided by the Council (cost to be borne by the consent holder) displaying the Consent number, the consent holder's trading name and the trader's/authorised assistant's name together with the Consent expiry date. However, where there are community/similar events the main organiser only will be required to wear a street trader identification badge.
30. Where there are changes to any authorised assistant(s) the identification badge must be returned to the Council to avoid any fraudulent activity.



- Conduct**
31. Consent holders and any authorised assistant(s) shall ensure that the public and authorised officers are treated with courtesy at all times. Consent holders shall ensure that their authorised assistant(s) are competent, courteous and helpful.
- Risk Assessments**
32. The consent holder shall carry out a risk assessment to ensure that highway safety is not compromised and shall not prevent NYCC Highways Authority from undertaking its duties. The Council will revoke a Consent following any reasonable request from NYCC Highways Authority.
33. The consent holder shall carry out a fire risk assessment. If fire extinguishers are required they must be maintained in a satisfactory condition and regularly checked by a competent person or company.
- Nuisance/Danger**
34. The consent holder shall conduct their business in such a manner so as to ensure that they do not:
- (a) cause a nuisance to the occupiers of adjoining properties;
  - (b) cause an obstruction to the vehicles or pedestrians on the highway;
  - (c) cause a danger to occupiers of adjoining property or to other users of the highway; or
  - (d) cause annoyance or inconvenience to the users of the highway
- Vehicles/Stall**
35. A consent holder may trade in a consent street from a vehicle/stall. The consent holder shall only trade from a vehicle/stall described in the Consent.
36. Any vehicle/stall used must be positioned entirely within the approved consent area.
37. Any vehicle/stall used by a consent holder in the course of street trading shall be constructed and maintained in accordance with any relevant legislation and to the satisfaction of all reasonable requirements of the Council as to its construction, safety, appearance and any display of advertisements. A high standard of presentation and appearance will be expected. In addition, the consent holder shall maintain the stall or vehicle in a clean state at all times and its structure shall be kept in good order, repair and

condition.

**Removal of Vehicle/Stall**

38. The vehicle/stall shall not be left unattended at any time and shall always be supervised by a person over the age of 17 years.

39. Vehicle/stalls shall be easily and immediately removable.

40. Outside of the permitted daily trading period the consent holder shall remove the approved vehicle/stall from the consent area together with any and all objects or things of any nature whatsoever placed by the consent holder in the consent area (whether directly and ancillary to street trading or otherwise) which for the avoidance of doubt shall include (but shall not be limited to) planters, ornamental devices of any description, furniture, portable or other fencing, waste bins, heating and lighting apparatus, unless the Council has agreed otherwise previously in writing.

41. The consent holder or authorised assistant(s) shall remove the vehicle/stall and goods within a reasonable time after the expiry of the time for trading specified in the Consent.

42. The consent holder or authorised assistant(s) shall remove the vehicle/stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's or NYCC Highway's powers and duties, if reasonably required to do so by an Authorised Officer or Police Officer.

**Road Closures**

43. No consent holder shall trade at his/her authorised consent area on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for the closure order.

**Highway Surface**

44. The consent holder or his authorised assistant(s) shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any

equipment of any description on or in the said surface.

- |                                   |   |
|-----------------------------------|---|
| <b>Highways</b>                   | 45. The consent holder and the vehicle/stall must comply with all relevant road traffic and highways legislation. Possession of a Consent does not override parking restrictions or other traffic regulations.  |
| <b>Consent holder's vehicle</b>   | 47. A consent holder shall not leave his vehicle/stall in the street in which he trades, apart from in approved parking spaces, except for the purpose of loading and unloading goods. Such loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. This condition shall not apply when waiting restrictions are in force.   |
| <b>Refuse and Waste</b>           | 48. The consent holder and authorised assistant(s) must provide adequate refuse storage adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner. Public litterbins are not to be used.<br>49. The consent holder and authorised assistant(s) will be responsible for keeping the area surrounding the vehicle/stall in a clean and tidy condition.<br>50. The consent holder shall make such provisions as are necessary to prevent the deposit on any street of solid or liquid refuse and no discharge shall be made into any surface water drains.<br>51. The consent holder or authorised assistant(s) shall comply with any directions given by the Council from time to time regarding the handling, storage and removal of refuse. |
| <b>Advertisements and Signage</b> | 52. No advertisements shall be displayed on the consent area that relates to any goods, commodities or services other than approved in the Consent.<br>53. No advertising is permitted other than on the stall or vehicle. The fixing of signs or marking of the highway or street furniture is specifically prohibited by NYCC Highways  |

Authority.

54. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For example, any material in breach of the Obscene Publications Act 1959, any material that is considered indecent, scandalous, offensive or likely to be harmful to any person likely to purchase it. Material may also be considered unsuitable if it is of such a nature as to distract motorists on the highway.
55. No signage, A boards or other such objects shall be placed on the highway or area surrounding the vehicle/stall. External tables and chairs may only be used upon written approval from the Council after first obtaining the appropriate highways permission from NYCC Highways Authority.

**Lighting**

56. Any lighting provided at the consent area by the consent holder must be approved by the Council. If the consent area is located on, or adjacent to, the public highway, the lighting must also be approved by the Highways Authority. Strobe lights will not be used in any circumstances.

**Laybys**

57. Only lay-bys which are separated from the main carriageway, e.g. by a grassed or tarmac verge will normally be considered for street trading activities. As part of the consultation, following receipt of an application, advice will be sought from NYCC Highways Authority with regard to the size of the lay-by and to ensure that there is safe access and egress. Applicants shall ensure that any location supports the aims and objective of this Policy and should take the following into account when deciding on a location:

- Traffic flow – applicants should ensure there are enough potential customers to sustain a business.
  - Size of lay-by – applicants should ensure there is sufficient room for numerous cars/lorries, etc.
  - Proximity to competition – applicants must consider current trading of similar goods in the area. Consent will normally be refused where there are similar trading of goods in the area.
  - Toilet facilities – applicants must consider such facilities are provided if selling hot food and drinks.
  - Access to and egress from lay-by – applicants must ensure that there is safe access into and egress from the lay-by.
  - Crossing a carriageway - applicants must ensure that customers are not obliged to cross a carriageway to access the lay-by.
58. The consent holder, where relevant, shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.

**APPENDIX A2**  
**Additional conditions applicable to markets**

59. The consent holder shall keep records of each stallholder present on the market, to include the stallholder's name and company name (if relevant), their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
60. The consent will relate to the duration of the market and may include special additional conditions in addition to the Standard Consent Conditions, according to the individual merits of the market.

61. If additional street cleansing is required as a result of the event, a charge may be levied in accordance with the Council's fees and charges. Any additional street cleansing will be referred to the Council's cleansing department.

### **APPENDIX A3**

#### **Additional conditions applicable to Community and similar events**

62. At such special events the Council will issue a single Consent to the individual organising the community or similar event, rather than to each individual trader. This individual is expected to be available for the duration of the event. This Policy is aimed at promoting and supporting such events and encouraging traders, however all traders must comply with this Policy and the conditions contained therein.
63. The Consent will relate to the duration of the special event and may include further specific conditions in addition to the Standard Consent Conditions, according to the individual merits of the event.

### **APPENDIX A4**

#### **Additional conditions applicable to Mobile Street traders**

64. Mobile operators must:
- Move from position to position remaining stationary for no more than 5 minutes on a residential street to initially attract customers and thereafter only long enough to serve customers present. The vehicle must move on as soon as the last customer has been served and no other customer is clearly awaiting service
  - Ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway and does not present any dangers to highway users.
  - Not stop in any 400 metres section of any street more than once in every two hours.
  - Not stop within 400 metres of any school grounds from an hour before the start of the school day until an hour after the end of the school day.

**APPENDIX B**  
**STREET TRADING CONSENT FEES**  
**2017-2018**

<b>Street Trading Consents</b>	
Applications (12 months)	£600
Renewal Applications (12 months only)	£400
Applications (6 months)	£400
Applications (3 months)	£250
Commercial Sale of a Vehicle on the Highway (for period up to sale)	£25/vehicle
Car Boot Sales (single fee per event) where public have access without payment	£50
Charitable Stalls (without street collection permit)	£15 per day
Special events (Community or similar event; street markets – Non-chartered, Continental or themed markets; Fairs – Non-chartered or similar; Farmer’s markets)	£25 per trader per day (upper total limit of £200)
Farmers’ Gate Sales and trading (not vehicles) by householders on highway adjacent to homes when honesty boxes used	No fee

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<b>Miscellaneous</b>	
Replacement Street Trading Consent (damaged, lost or stolen)	£10
Administration fee (for Application Withdrawals, Revocations and Surrenders of Consents)	£25
Badges and replacement badges for consent holder and authorised assistant(s)	£10
Notification of changes of contact details and/or authorised assistant(s)	£10



**APPENDIX C**

**SCHEME OF DELEGATION**

<b>Matter to be dealt with</b>	<b>Authorised Officer with delegated powers</b>	<b>Cabinet member with responsibility for Licensing services</b>	<b>Relevant Committee</b>
Setting of Fees			<b>Full Council</b>
Revocation of consent	✓		<b>Licensing Sub-committee</b> ✓
Changes to consent conditions	✓		<b>Licensing Sub-committee</b> ✓
Grant or renewal for a street trading consent	✓		<b>Licensing Sub-committee</b>  ✓ Where deemed necessary by the authorised officer
Review of Policy and conditions		✓ Minor changes to Policy	<b>Full Council</b> Significant changes to Policy
Exemption of fees	✓		
Use of lighting	✓		
Local good cause regarding car boot sales	✓		
Community or similar event	✓		

## NOTES