



Knowsley Council

KNOWSLEY METROPOLITAN
BOROUGH COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1982

2020 – 2025

STREET TRADING POLICY

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Knowsley Metropolitan Borough Council

Street Trading Policy

1. Introduction

- 1.1 Knowsley Council recognises that Street Trading is an important amenity in the Borough which contributes to the local economy. Street Trading is a valuable and successful way of doing business for many and provides extra convenience and choice for local residents. Street Trading is also becoming an important feature in the regeneration of our town centres.
- 1.2 This policy is a decision making framework for the consideration of applications for street trading consents. The aims of this policy are:
- to create an environment in which street trading complements existing premises-based retailing activities, adds to the character and ambience of local communities, and provides additional choice and convenience for residents,
 - to ensure that street trading activities are carried out safely and do not cause public nuisance,
 - to balance the needs of the community and street traders against the needs of those who may be adversely affected by the street trading activities, and;
 - to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled.
- 1.3 In exercising its discretion in carrying out its regulatory functions, Knowsley Council will have regard to this Policy document. However, every application will be considered on its own merits.
- 1.4 This policy will be the subject of continuous evaluation. It will be formally reviewed every 5 years, but can be formally reviewed at any time if necessary especially if there is a change in legislation relating to street trading. At the time of any review all relevant stakeholders will again be consulted.

2. Consultation and development of the licensing policy

- 2.1 Before publishing this policy, the Licensing Authority carried out a formal consultation between 29 July and 28 October 2019. The Council has consulted as widely as was reasonably practicable as listed below:

- Merseyside Police;
- Merseyside Fire and Rescue Service;
- Knowsley Council Highways department;
- Knowsley Council Planning department;
- Knowsley Council Chamber of Commerce;
- Highway Authority for the Strategic Road Network (Highways England);
- Town & Parish Councils;
- All Elected Members;
- Charitable Organisations, and;
- All current consent holders.

2.2 Knowsley's consultation exercise was also publicised on the Council's website so that any other people or organisations could make comments.

2.3 All comments and representations received were carefully considered and in determining the weight to give to particular representations, the following factors were taken into account:

- Who made the representation (their expertise or interest);
- Relevance of the factors to the licensing objectives;
- How many people expressed the same or similar views; and,
- How far the representations related to matters that the Council should be including in its Policy.

3. Links to Other Regulatory Systems

Human Rights Act 1998

3.1 The Licensing Authority deals with applications for Street Trading Consents in a manner consistent with the Human Rights Act 1998. In particular, by giving due consideration to the rights under the following articles of the European Convention on Human Rights and Fundamental Freedoms:

- (i) Article 1 – property right (including the right to apply to hold a consent and operate a business);
- (ii) Article 6 – right to a fair hearing in the case of representations against an

- applicant or consent holder;
- (iii) Article 8 – respect for private and family life.

Avoidance of duplication

- 3.2 Street Trading has the potential for the overlapping of trading activities covered by different regulatory regimes, for example food, charitable collections, sale of alcohol or late night refreshment. In addition, street trading activities may require Planning or Highways permissions depending on the nature of the trading location. So far as is reasonably practicable, the Council will avoid duplication with other regulatory regimes that already place obligations on employees and operators. The onus rests with the street traders to ensure that all relevant provisions are satisfied with the relevant responsible authority.

4. Scope of the Policy

- 4.1 The primary legislation relating to street trading is the Local Government (Miscellaneous Provisions) Act 1982 (the Act). Knowsley Council adopted the provisions of Schedule 4 of The Act in October 1983. Under these provisions Knowsley became the Authority responsible for regulating street trading activities in the Borough.

What is Street trading?

- 4.2 Street Trading is defined in paragraph 1 of Schedule 4 of the Act as: 'the selling or exposing or offering for sale of any article (including living thing) in a street'.
- 4.3 There are a number of activities which are not considered to be street trading under the Act, which are regulated by other legislation. These are detailed below.

Exempted Activities:

- Trading by Pedlars under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- Trade carried out by rounds men (e.g. milkmen)
- Trade at fairs and markets which hold a right to trade
- Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980

- Trading as a news vendor
- Trading at petrol filling stations
- Trade carried out in a street adjoining a premises provided it is part of the business of that shop under Part VIIA of the Highways Act 1980
- Operation of facilities for recreation or refreshment by the Council under Part VIIA of the Highways Act 1980
- Collections of money or trade authorised under a Street Collections Permit under Section 5 of Police, Factories, and (Miscellaneous Provisions) Act 1916.

4.4 The Act defines a **street** as including:

‘any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980’. It is possible that areas of private land are ‘streets’ if they fall within the above definition.

4.5 The Act provides local authorities with the power to designate specific areas within their administrative boundaries as either:

- **Prohibited Streets:** where street trading cannot take place;
- **Consent Streets:** where street trading cannot take place without a consent from the Local Authority, or;
- **Licence Streets:** where trading cannot take place without a licence from the Local Authority.

4.6 Knowsley Council adopted a Consent Scheme in September 1988. This means that the Authority has designated all streets within the Knowsley Borough as consent streets, except for a number of streets which have been deemed unsuitable for trading to take place and are therefore Prohibited Streets. A list of Prohibited streets can be found at Appendix A of the report.

5. Types of Consent Issued

Static street trading consents

5.1 Static consents are normally issued to a stall, vehicle or trailer which remains in one place or which visits several sites for long periods. The stall, vehicle or trailer and any power generating equipment proposed for use in trading must also be deemed suitable. In addition to the standard application requirements (see Section 9), the following must be submitted as part of a static street trading application to help us to ascertain this:

- A site plan of the proposed trading area;
- Photographs of the trailer, stall or vehicle proposed for use internally and externally, and;
- The make and model of any generator to be used.

5.2 A full consultation will take place for this type of application (see Section 10), and a site visit may also be necessary to determine suitability, particularly in respect of potential for obstruction or nuisance, and particularly if concerns are raised during the consultation.

Mobile Street Trading Consents

5.3 Mobile consents are issued to traders who wish to move from place to place. These traders usually use a vehicle which must be of suitable appearance and must have the following additional safety equipment fitted:

- Front sensors with a dashboard indicator;
- Rear camera with monitor;
- Neon Strobe light fitted to the nearside of the vehicle;
- Wide angle mirrors and/or additional kerbside mirror;
- Audible Chime or Hand bell in the vehicle (for Ice Cream Traders), and;
- Reversing Indicators.

5.4 Any vehicle proposed for use must be fully inspected by the Council's Licensing Enforcement team before a consent can be issued. The inspection will include compliance with the above safety equipment and general road safety compliance checks on the tyres, obligatory lights, wipers and horn. Inspections of vehicles will be carried out prior to a consent being issued and also during the life of the consent wherever necessary in line with the

conditions of consent. Where a trader has a number of consents and vehicles, all authorised vehicles belonging to the trader may be used in connection with any of his/her consents provided that at all times when trading, the relevant consent summary is displayed relating to the consent that the vehicle is being used for.

- 5.5 In addition to the standard application requirements (see section 9) and vehicle requirements above, any application for a mobile street trading consent will also need to submit a list of the streets they wish to trade in. In respect of Ice Cream Traders, applications will be refused if there are already 2 ice cream traders in the street applied for.

Special Events Street Trading Consents

- 5.6 Special Events street trading consents are issued where the trading intended is transient or irregular in nature. Some examples are Farmers, Christmas or Continental Markets (without a market charter), one-off community or charitable events, festivals, fetes, or any other events where **one or more** street traders are going to be present and the event is accessible to the public without payment. Special Events Street Trading Consents can cover trading activities for a period not exceeding 1 calendar month.
- 5.7 This policy aims to permit such events taking place where they will benefit the community or promote regeneration of the Borough. That being said, there must be regulation of temporary trading at Special Events to ensure safety of the public, particularly where food is concerned.
- 5.8 The organiser of an event is required to apply to the Council requesting their event to be considered a 'special event', 1 calendar month prior to the event taking place. The applicant must provide the following information as part of the application:
- Evidence of permission from the landowner where the event will take place on privately owned land;,
 - Start and Finish date of the event, as well as trading days/timings;
 - Name, address and date of birth of each trader taking part;
 - Goods to be sold (Please note Special Events Trading Consents cannot authorise sales of age restricted products, with the exception of alcohol which would require a separate temporary permission under the Licensing Act 2003), and;
 - Food business registration, and food hygiene rating information for each trader taking part (where applicable, see further information at

section 6.2 and 6.3).

- 5.9 The application form and fee authorises up to 10 traders taking part in an event. Any further traders to be added to the Special Event would incur an additional cost per trader, or alternatively another Special Event application can be submitted.
- 5.10 Due to the temporary nature of such events, no further consultations will be made for Special Events Consent applications. Provided that all of the proposed traders meet the required safety standards, a consent will be issued to the event organiser, detailing the individual traders authorised by the consent. We will, however, notify the Knowsley Events Safety Advisory Group (KEVSAG) that an application has been received. More information about organising public events can be found on the Council website. <https://www.knowsley.gov.uk/things-to-do/organised-public-events>
- 5.11 Any consent issued will only be valid for the period of the event (which cannot exceed 1 calendar month), and the grant of a Special Event Consent gives no indication that a permanent consent would be issued to any or all of the individual traders named on it.

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6. Authorised Goods

- 6.1 Any applicant for any type of Street Trading Consent will need to submit a list of the articles or goods they wish to sell, so that we can ensure all the relevant requirements are met before the grant of a consent.
- 6.2 **Food traders** must be registered as a food business with the local authority where the stall, vehicle or trailer used for trading is kept overnight. All food businesses registered outside of Knowsley must be able to provide evidence that they are registered as a food business, by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report.
- 6.3 All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall, vehicle or trader being used. Any consent holder who falls below this standard may have their consent reviewed at a Licensing Sub Committee hearing (Please see paragraphs 9.20 to 9.22)
- 6.4 **Ice Cream traders** are permitted to sell ice cream, frozen confectionery, confectionery, crisps and soft drinks only. Age restricted products cannot under any circumstance be sold by Ice Cream Traders. Ice Cream traders are considered food businesses and so will also need to adhere to the requirements outlined in paragraphs 6.2 and 6.3 above.

7. Trading Times, Consent Duration and Fees

- 7.1 Street Trading can take place on any day(s) of the week but all types of street trading cannot take place after 9.00 pm (except Special Events Street Trading Consents). Any application to trade within 1/2 mile of Kirkby Market will be subject to a restriction that trading cannot take place before 5.00 pm on any day the market is open.
- 7.2 Consents run in line with the financial year. All new consents, whenever issued, will be issued with a default expiry of the forthcoming 31 March. If this means that a consent is issued for less than 12 months, then a pro rata fee will be calculated. Thereafter, consents will usually be issued for the maximum period of 12 months from 1 April to 31 March the following year. We will accept applications for consent durations of less than 12 months upon request and a reduced fee will be charged.
- 7.3 We will also accept applications for consents to trade on a daily fee rate. This is useful for traders who only trade intermittently, e.g. once per month, but traders must be able to indicate on their application how many days per year total they intend to trade and on which days.
- 7.4 Street Trading fees are calculated on a cost recovery basis, and as this is subject to change, fees will not be published in this overall policy document. The initial 10% chargeable on a new application must be paid in advance, thereafter, traders have the option to pay the remaining fees up front or be set up with an account so that they pay in monthly instalments.

8. Use of Assistants

- 8.1 A Street Trading Assistant is someone engaged by the Consent holder to assist them with their trading. An applicant for either a static or mobile consent can nominate up to **3 assistants** who will be registered on their consent at no extra cost. Any more than 3 assistants will incur an additional cost per assistant per year.
- 8.2 At the time of application (and at each renewal), the consent holder must produce the following for **each** assistant to be registered on the consent:
- Name Address and Date of Birth,
 - Passport Photograph,
 - Basic Disclosure (DBS) Certificate which cannot be more than 30 days old,
 - Photographic identification (e.g. passport, photo card driving licence- please note that if the person will be driving a vehicle in their duties as an assistant then the ID must be their driving licence)
- 8.3 Upon issue of a **static consent**, the consent holder and all nominated assistants will be issued with an Identity badge which must be worn at all times when trading. The consent holder must return any badges belonging to assistants who no longer work for them **before** a new assistant can be nominated.
- 8.4 Upon issue of a **mobile consent**, the consent holder and nominated assistants will not be issued with Identity badges. Instead, they will be issued with a laminated **consent summary** for each authorised vehicle, which must be displayed in a prominent location which is visible to customers all times when the vehicle is trading. The consent summary details the consent number, the name and photograph of the consent holder, and photographs of the 3 nominated assistants. The remainder of the consent document must be kept on the vehicle and produced to an authorised officer on request

9. Application Process

New Applications

- 9.1 Applicants **must** be aged 17 or over.
- 9.2 Applications must be made on the relevant form depending on the type of Street Trading. The relevant forms can be found on the Council website.
- 9.3 The application form should be submitted along with the following:
- Administration fee of 10% of the yearly consent fee (non-refundable);
 - Photographic identification for both the applicant and any proposed assistants (e.g. passport, photo card driving licence);
 - Basic Disclosure Certificate for both the applicant and any proposed assistants (which cannot be more than 30 days old);
 - Passport photographs of the applicant and any proposed assistants;
 - A site plan of the proposed trading area or list of proposed streets;
 - Photographs of the trailer, stall or vehicle proposed for use (static consents only);
 - The make and model of any generator to be used (if applicable); and
 - Gas certificate (if applicable).
- 9.4 Upon receipt of a complete application, we will:
- Carry out a vehicle inspection or site visit; and
 - Conduct a 14 day consultation as detailed in Section 10 of this policy.
- 9.5 Where objections are received and/or an application does not satisfy the requirements of this Policy then the matter will be referred to a Licensing Sub-Committee who will decide whether or not to grant the application. Please see Section 12 for further information on this.
- 9.6 If no objections are received and an application satisfies all other requirements under this Policy, then the applicant and any proposed trading assistants will be booked onto online safeguarding training. Once they have completed this training the application will be granted.
- 9.7 Once an application is granted, the following must be produced before the consent can be issued:
- Certificate of insurance of third party public liability cover for £1,000,000;

- Current M.O.T. Certificate (if using a vehicle); and
- Current Motor Insurance (if using a vehicle).

Renewal Applications

9.8 A completed Street Trading application form must be submitted, along with the following:

- Photographic identification for both the applicant and any proposed assistants (e.g. passport, photo card driving licence);
- Basic Disclosure Certificate for both the applicant and any proposed assistants (which cannot be more than 30 days old);
- Passport photographs of the applicant and assistants;
- Certificate of insurance of third party public liability cover for £1,000,000;
- Current M.O.T. Certificate (if using a vehicle); and
- Current Motor Insurance (if using a vehicle).

9.9 Renewal applications are considered against the Council's Policy and any circumstances which prevail at the time. The consent will **usually** be renewed without further consultation provided that:

- the applicant still meets the required suitability and safety standards;
- there are no fee arrears from the previous trading year, and;
- there are no changes to the already granted trading location(s), trailer/stall/vehicle being used for trade, and no additional timings or articles to be sold (If there are plans to change any of these then a separate Variation application should be submitted which is explained at paragraph 9.14).

9.10 Where an existing trader or their street trading assistant/s hasn't previously passed the required online safeguarding training (as they were originally granted prior to the introduction of this policy), they will be required to undertake this training as part of the renewal application or before the next renewal. If the consent holder has not carried out the training by the following renewal, they would be refused renewal and treated as a new applicant.

9.11 Renewal reminder letters will be sent out in advance of the expiry of an existing consent. The responsibility lies with the consent holder to ensure their consent is renewed on time. Renewal applications must be submitted no later than **10 working days before the expiry of the existing consent**. It is the responsibility of the consent holder to obtain the relevant forms and supporting evidence and

submit the application on time. Any applications submitted late will be treated under the New Application process detailed at paragraph 9.1 above.

- 9.12 In some circumstances, for example where major redevelopment of an area has led to dramatic change in the trading location and surrounding environment, it may be necessary to conduct a consultation before renewing a consent. In such cases we would conduct a 14 day consultation as detailed in Section 10 of this policy.
- 9.13 If no objections are received and an application satisfies all other requirements under this Policy, then the renewal will be granted. Where objections are received and/or an application does not satisfy the requirements of this Policy, then the matter will be referred to a Licensing Sub-Committee who will decide whether or not to grant the application. Please see Section 12 for further information on this.

Variation Applications

- 9.14 Should any of the following changes need to be made at any time, these will need to be done via a Variation application:

- Adding or removing a street trading assistant to the consent;
- Additional Streets (mobile consents) or trading locations (static consents);
- Removing or altering the appearance of a vehicle/stall/trailer attached to the consent;
- Adding a new vehicle/stall/trailer to the consent; or
- Changes to the goods to be sold.

- 9.15 A completed application form must be submitted along with the following:

- Updated assistant details including Identification, Basic Disclosure (DBS) Certificates for any new assistants and returned ID badges (or consent summary) for outgoing assistants;
- Updated list of streets or trading locations;
- Photographs of any proposed new/altered vehicle/stall/trailer; and
- List of additional/amended goods to be sold.

- 9.16 Upon receipt of a complete application, we will:

- Carry out a vehicle inspection or site visit (where appropriate), and;
- Conduct a 14 day consultation as detailed in Section 10 of this policy.

- 9.17 If no objections are received and an application satisfies all other requirements

under this Policy, then the variation will be granted. Where objections are received and/or an application does not satisfy the requirements of this Policy then the matter will be referred to a Licensing Sub-Committee who will decide whether or not to grant the application. Please see Section 12 for further information on this.

Transfer of an Existing Consent

- 9.18 Applications to take over existing consents will be treated as new applications (See paragraph 9.1). Where the application is in respect of a consented business which has previously co-existed without conflict with other shops or similar consented traders within 1/4 mile of the trading location, there are no significant changes to the consent, and the applicant and any proposed assistants can meet all of the required suitability standards, the Council **may** decide not to conduct a consultation.
- 9.19 Should there be any proposed changes to any of the following, a 14 day consultation will always be conducted as detailed in Section 10 of this policy:
- Additional Streets (mobile consents) or trading locations (static consents);
 - Removing or altering the appearance of a vehicle/stall/trailer attached to the consent;
 - Adding a new vehicle/stall/trailer to the consent; or
 - Changes to the goods to be sold.

Reviews of Existing Consents

- 9.20 The Licensing Authority can decide to review a consent (including Special Events Street Trading Consents) at any time, and for any reasonable cause. Reviews often become necessary due to problems with a trader's operation. If a consented trader or nominated assistant does not adhere to consent conditions, commits offences under street trading legislation, is the subject of police investigations charges or convictions, or is the subject of complaints, this may result in enforcement action and/or a review of the consent. If the matter is serious enough to warrant it, the consent can be suspended immediately pending the consent review hearing.
- 9.21 When the Licensing Authority decide that a review is necessary, a 14 day consultation will be conducted with internal partners in line with Section 10 of this Policy. Any comments received in the consultation period will be considered in the review.

9.22 All Consent reviews will be determined by a Licensing Sub Committee under the procedure detailed at Section 12 of this Policy. The Licensing Sub Committee have the following options open to them:

- Restriction of trading hours/days, streets/trading locations, or goods to be sold;
- Removal of an assistant;
- Suspension of the consent;
- Revocation of the consent;
- Add or remove conditions; or
- Determine that no further action is appropriate.

10. Consultations

10.1 Because of the impact that street traders may have on a particular locality, we will consult with various internal partners for a period of 14 days before a decision is made in relation to the granting of a consent for the first time. These are as follows:

- Environmental Health (Commercial Team)
- Planning
- Highways
- Ward Councillors

10.2 In addition to our consultation with internal partners, we will place a public notice on the Council's website giving details of the application and allowing at least 14 days for representations.

11. Applicant Suitability

11.1 All applicants must produce a basic disclosure (DBS) certificate, which will detail any unspent offences in line with Rehabilitation of Offenders Act 1974 (As amended the Legal Aid, Sentencing and Punishment of Offenders Act 2012). More information regarding rehabilitation periods under the Act can be found at <https://www.gov.uk/guidance/rehabilitation-periods>

11.2 When determining an application for the grant or renewal of a street trading consent the Council will consider all relevant information relating to the suitability of the applicant to hold such a consent including:

- Whether the applicant has any unspent convictions or cautions on their DBS certificate;

- Whether any previous consent held in this or another Authority has been revoked or refused renewal, and;
- Whether the applicant has failed to pay fees due to the council for a street trading consent (for renewal applications).

11.3 Where either of the above suitability requirements are not met, the application will be referred to a Licensing Sub Committee for determination as detailed in Section 12 of this policy. The applicant may submit any supporting evidence necessary to support their application. Every application will be dealt with on its own merit, and the Sub Committee will consider the following:

- whether any conviction is relevant to the role of street trading;
- the seriousness of the offence;
- the length of time since the offence occurred;
- whether there is a pattern of offending behaviour;
- whether that person's circumstances have changed since the offence occurred; and
- the circumstances surrounding the offence or failure to pay fees and the explanation offered by that person.

12. Decision Making Process

12.1 The licensing process is administered by officers who aim to deliver a quality service to customers and to provide advice, guidance notes and relevant information upon request. However, applicants should note that officers cannot complete an application form on their behalf or offer legal advice.

12.2 Many functions which are largely administrative in nature have been delegated to officers so as to ensure a speedy, efficient and cost effective service to all parties involved in the licensing process. There is a presumption that applications will be generally be granted if they satisfy the requirements of this Policy and no objections are received at the consultation stage.

12.3 Where objections are received (in respect of an application) and mediation is not successful or appropriate, the matter will be referred to a Licensing Sub Committee for determination.

12.4 The Licensing Sub Committee will usually be arranged within 20 working days of any consultation closing date or notification of a review to an existing

consent holder. The applicant or existing consent holder will be invited to attend the hearing to make verbal representations, as would any objectors to the application or the officers involved in reviewing an existing consent.

- 12.5 The decision of the Licensing Sub-Committee will be communicated to the applicant/existing trader and any objectors in writing within 5 working days. The Act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a Street Trading Consent, the revocation of a Street Trading Consent, or against any restrictions or conditions imposed on a Street Trading Consent.

13. Consent conditions

- 13.1 Street trading consents will usually be granted subject to a set of standard conditions, a copy of which can be found at Appendix B. The Council has the discretion to change these standard conditions at any time if deemed necessary.
- 13.2 When granting or renewing a street trading consent, as well as the standard conditions, the Council may attach any additional conditions they consider reasonably necessary. Additional conditions may be applied where objections have been received in respect of an application, and the application of an additional condition could alleviate the concern raised.
- 13.3 The Licensing Authority will aim to ensure that conditions are clear, unambiguous and proportionate and not beyond the control or responsibility of the consent holder.

14. Enforcement

Advice and Education, before Enforcement

- 14.1 Knowsley Council's corporate enforcement policy sets out the Council's approach to dealing with regulatory non-compliance. In line with this, Licensing Enforcement Officers will assist with help and advice on relevant legislative requirements, and will be committed to the principle of avoiding unnecessary regulatory burdens on business.
- 14.2 The Council will take firm action against those who flout the law or act irresponsibly. Persons trading without a consent and who are not exempt will be the subject of enforcement action. That being said, any regulatory enforcement action taken will be proportionate, accountable, consistent, transparent and targeted.

Enforcement Actions

- 14.3 Where it is deemed appropriate, necessary and proportionate for enforcement action to be taken, the options open to Licensing Enforcement Officers are:
- **Temporary Suspension** (in the case of vehicle faults);
 - **Verbal Warning;**
 - **Written Warning, or;**
 - **Referral to the Licensing Sub- Committee for Review of the Consent** (Please see paragraphs 9.20 to 9.22 for more information).

Compliance with Conditions

- 14.4 Standard conditions (and in some cases, additional conditions) will be attached to every street trading consent, and these detail the holder's responsibilities to maintain public safety, avoid nuisance and preserve the amenity of the locality. More information on Conditions can be found at Section 13 of this policy document.
- 14.5 Failure to comply with Consent conditions may lead to enforcement action and/or referral of the Consent to a Licensing Sub Committee for review of the consent.

Complaints and Expected Conduct

- 14.6 Where a complaint is received from either a member of the public or another authority, such as the police or local authority, the complaint will be investigated thoroughly and the Council can take into account any evidence provided by the complainant, even hearsay evidence where it is relevant and appropriate to do so. Where complaints are received the Council may take enforcement action and/or refer the matter to a Licensing Sub Committee for review of the consent.
- 14.7 Traders are expected to act in a civil and orderly manner during the course of their business. Where two consent holders are investigated due to complaints or disputes over trading times and areas, both consent holders will be expected to fully participate in mediation. Where issues persist or mediation is refused, the Council may consider enforcement action and/or referral to the Licensing Sub-Committee for review of both consents.
- 14.8 Traders must advise the Council in writing of any charges or police investigations and/or convictions or cautions within 48 hours, which arise

during the terms of their consent. Failure to do so is a breach of the standard Consent conditions. The Council may decide to take enforcement action in such cases, but if the Council consider that its reputation may be undermined by the criminal activities of a consent holder, or for any other reasonable cause, the Council will immediately refer the matter to a Licensing Sub Committee for review of the consent and may choose to suspend the consent pending the review hearing depending on the severity of the matter.

Vehicle Compliance Checks

- 14.9 Each trader issued with a consent will be the subject of compliance checks. These will be combined with any routine food hygiene inspection where possible and will take place twice a year at a date, time and location to be decided by the Licensing Authority. Further compliance checks may be carried out at the discretion of Authorised Officers on an ad-hoc basis during the course of the year.
- 14.10 Consent holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Authorised Officers will carry with them, and produce on request, official identification. Failure to attend an arranged compliance check, failure to allow an authorised officer to carry out an ad hoc compliance check, or the persistent non-compliance of a trading vehicle will result in enforcement action and/or referral to the Licensing Sub Committee for review.

15. Fees and Charges

- 15.1 The Licensing Authority sets street trading fees for on a cost recovery basis. Fees cover the costs of administration and grant of consents and compliance.
- 15.2 A non-refundable administration fee of 10% of the yearly consent fee must be paid to the Council at the time of submitting a **New application (including Transfer)**
- 15.3 Consent fees may be paid either in advance, or an account can be set up to enable the consent holder to pay in monthly instalments. Details of the current fees can be found on the Council's website or on application to the Licensing

Service. Fees must be paid in advance.

- 15.4 Where a consent has been transferred part way through the trading year, a new account will be set up in the new applicant's name and they will become liable for all outstanding payments at the time of transfer.
- 15.5 Failure to maintain payment of the fee will be a breach of the conditions attached to the Consent. If agreed payments are not made to the Council, the Consent may be revoked or at the very least a renewal application will be refused until such time as arrears are paid.
- 15.6 Where trading ceases during the term of Consent, and the trader has paid in full at the time of issue, a refund can be given on any outstanding period over 3 months. Where a trader is set up with an account for monthly instalments (and there are no arrears), the account will be closed and no further payments will be pursued once the Consent is surrendered. In order to surrender a consent, the trader must put his intention in writing returning the Consent and plates.

APPENDIX A PROHIBITED STREETS

CRONTON

Hampton Drive (Service Road to Smithy Lane and Service Road)

HALEWOOD

Baileys Lane

Brentway (Sherbourne Avenue to Frensham Way)

Cravenwood Road)

Crawley Close

Frensham Way (Camberley Drive to Crawley Close)

Halewood Road Higher Road (except lay-by on south side opposite Baileys Lane junction)

Hillingden Avenue (Cravenwood Road to Leathers Lane)

Honey Hall Road (Lonsdale Road southerly to Torrington Drive)

Leathers Lane

Lonsdale Road

Mackets Lane (Camberley Drive to Higher Road - East Side)

Maltby Close

Okell Drive

Raven Court

Roseheath Drive (Leathers Lane to Cravenswood Road)

Royton Close

Sherbourne Avenue (Crawley Close to Camberley Drive)

Thorne Close

Torrington Drive (Honey Hall Road to Lonsdale Road)

The Avenue

Street Trading is also prohibited at:

- *Any area of land not on named roads within the red boundary line on the attached plan of Halewood District and Shopping Centre, (Except for Special Event street trading with prior Council consent)*

KNOWSLEY VILLAGE/STOCKBRIDGE VILLAGE

Berryhill Avenue (Longborough Road to Fountain Road)

Denes Way

Fountain Road

Haswell Drive

Knowsley Lane

Leachcroft (including Car Parks)

Longborough Road (Berry Hill Avenue to Sugar Lane)
School Lane
Sugar Lane
The Withens (including Car Park)
Tithebarn Lane
Waterpark Drive

HUYTON

Acacia Avenue (Cypress Road to Chestnut Avenue and Shops Service Road)
Archway Road
Bakers Green Road (Between Jncs with Reeds Road and both Service Roads)
Barford Road
Blacklow Brow (Archway Road to Wilson Road)
Bluebell Lane
Cavendish Walk
Centre Way
Childwall Lane (Milton Avenue to Pilch Lane)
Childwall Parade
Derby Road (except 1. land outside No.35 Derby Road in front of the small wall, and 2. Any Special Event street trading with prior Council consent)
Dinas Lane (Page Moss Lane to Aylton Road)
Dinas Lane Parade (and Shops Service Road)
Ellis Ashton Street
Gentwood Parade
Greystone Road (Between both junctions with Sexton Way)
Griffiths Road
Hall Lane
Hathersage Road (Hillside Road to Service Road)
Hazel Road
Hillside Road (Hathersage Road to Hazel Road & Shops Service Road)
Hurst Park Drive (Longview Dr. to Huyton Civic Suite Service Rd. & Car Park)
Huyton Hey Road (Lathom Road to Derby Road and Car Park)
Huyton Lane
Kingsway Parade
Lansdowne Way (except for Special Event street trading with prior Council consent)
Lathom Road (Including Car Parks)
Link Road
Liverpool Road
Longview Drive (Huyton Lane to 110m north of Wallace Drive)
Longview Drive (Hurst Park Drive to Hardie Road and Shops Service Road)
Lyndhurst Way and Car Park
Manor Farm Road (Meadow Drive to St John's Road and Shops Service Road)
Marina Crescent (Acacia Avenue to Ruskin Way)

Merton Road
Page Moss Lane (Dinas Lane to Aldwalk Road)
Poplar Bank
Pottery Lane
Princess Drive
Rimmer Avenue (Roby Road to Court Hey Road)
Roby Road
Rupert Road
St John's Road
Salerno Drive (Alamein Road to north end of Arnhem Road)
Sherbourne Square including Service Roads on either side (except for Special Event street trading with prior Council consent)

HUYTON CONTINUED

Stockbridge Lane
Stretton Way
Tarbock Road
Tarbock Road Service Road fronting 1 to 19 Tarbock Road)
Twig Lane
Western Avenue
Westmorland Road
Wilson Road (except for the Service Road adjacent to the premises formerly occupied by Associated Biscuits)
Wood Lane
Woodlands Road (between Stanhope Drive and Woodfield Road)
Woolfall Heath Avenue (Fairclough Rd. to Mardale Road & Shop Service Road)
York Road (Longview)

Street Trading is also prohibited at:

- *Any area of land not on a named road within the red boundary line on the attached plan of Huyton Town Centre*
- *Huyton Bus Station*

KIRKBY

Acton Road
Bank Lane
Bewley Drive
Bigdale Drive (Daleside Road to Old Rough Lane)
Boyes Brow
Britonside Avenue
Broad Lane (including Shop Service Roads)
Cherryfield Drive

Coopers Lane
Coplehouse Lane
County Road
Dagnall Road (Wervin Road to James Holt Avenue)
Eastfield Walk
Falstone Road
Field Lane
Glovers Brow (Kirkby Row to Mill Lane)
Hall Lane (Town Centre)
Headbolt Lane
Imber Road
Irlam Drive
James Holt Avenue (Dagnall Rd. to Richard Hesketh Dr. & Shops Service Rd.)
Kennelwood Avenue (Roughwood to Glasven Road & Shops Service Road)
Kirkby Row
Ledsham Road (Richard Hesketh Drive to layby)
Loveswater Way (Windemere Drive to Thirlmere Walk)
Market Square Mill Lane
Minstead Avenue (Quarryside Drive to Wyllin Road)
KIRKBY CONTINUED
Moorgate Road
Newick Road
Newtown Gardens (Except for Special Event street trading with prior consent from the Council)
Norwich Way
Old Farm Road (Roughdale Avenue to Rhosesmore Road)
Old Rough Lane and Shop Service Roads
Park Brow Drive (Broad Lane to Thursby Crescent)
Pentland Road
Quarryside Drive
Richard Hesketh Drive (Whitefield Dr. to Ledsham Rd. & Shops Service Road)
Roughwood Drive
Rusland Road (Bewley Drive to Imber Road)
St Chad's Drive
St Chad's Parade
Shacklady Road
Shevingtons Lane
Simonswood Lane
South Boundary Road
South Parade
Stopgate Lane (Pingwood Lane to Shevingtons Lane)
Telegraph Way
Thursby Close
Thursby Crescent

Thursby Walk
Valley Road
Warrenhouse Road
Webster Drive
Wellfield Avenue (including Service Road)
Wervin Road
Wervin Way
Whitefield Drive (except Car Park adjacent to Kirkby Railway Station)
Whitefield Square

Street Trading is also prohibited at:

- *Any area of land not on a named road within the red boundary line on the attached plan of Kirkby Town Centre (Except for Special Event street trading with prior consent from the Council)*
- *Kirkby Market service road and adjoining open space (Except for Special Event street trading with prior consent from the Council)*
- *Kirkby Bus Station*

PRESCOT

Ackers Street (except for Special Event street trading with prior Council consent)Aspinall Street
Atherton Street (except for Special Event street trading with prior Council consent)Chapel Street (except for Special Event street trading with prior Council consent)
Church Street (except for Special Event street trading with prior Council consent)
Cyprus Street
Derby Street
Eccleston Street (except for Special Event street trading with prior Council consent)High Street
Highfield Place
Hill Street
Kemble Street
Kingsway
Leyland Street (except for Special Event street trading with prior Council consent)
Manchester Road
Market Place (except for Special Event street trading with prior Council consent at Market Place Public Realm Area)
Mill Street
Molyneux Drive (Saunders Drive to Molyneux Close)
Prescot By-Pass
St Helens Road
Shaw Lane (Kingsway to Dragon Lane)

Stone Street
Warrington Road
Vicarage Place (except for Special Event street trading with prior Council consent)

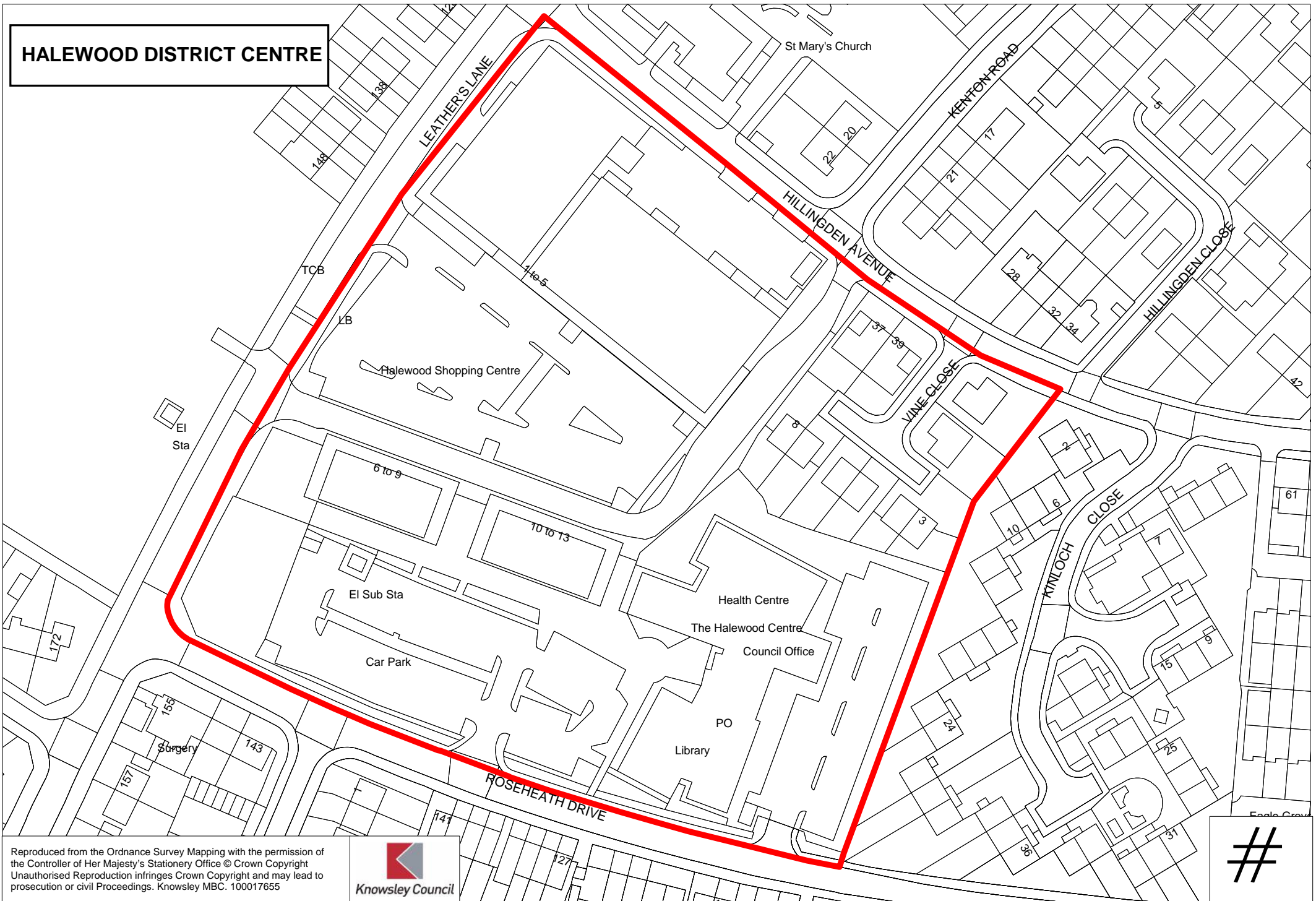
Street Trading is also prohibited at:

- *Any area of land not on a named road within the red boundary line on the attached plan of Prescott Town Centre (Except for Special Event street trading with prior consent from the Council)*
- *Prescot Bus Station*

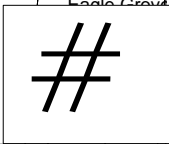
WHISTON

Dragon Drive
Dragon Lane (Warrington Road to Dragon Drive)
Dragon Lane (Dragon Drive to Greenes Road)
Greenes Road
Hostock Close
Warrington Road (Service Road - Gilbert Road to Edward Road)
Windy Arbour Road (except from 51m south of Greenes Road for 7m)

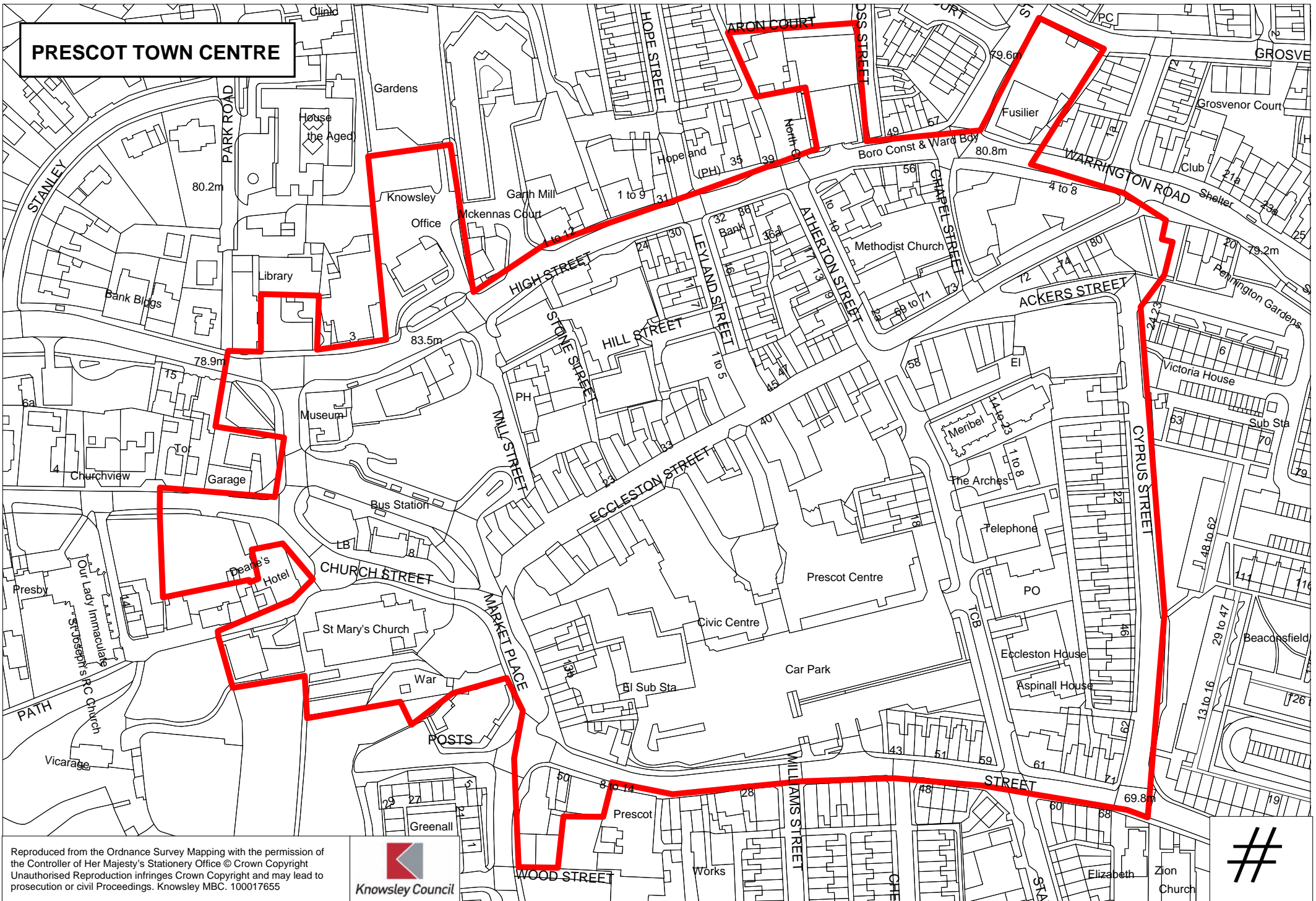
HALEWOOD DISTRICT CENTRE



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PRESCOT TOWN CENTRE

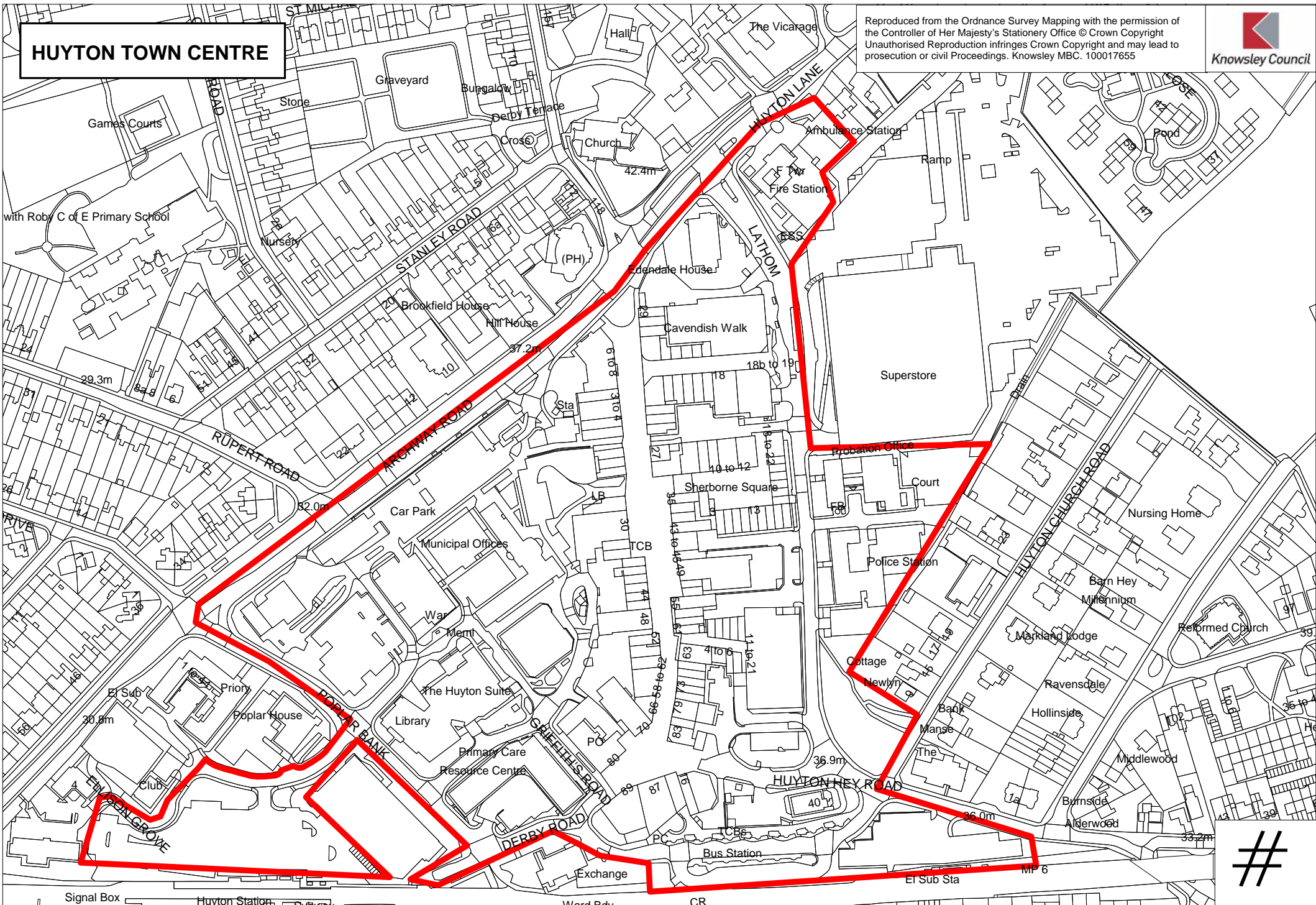


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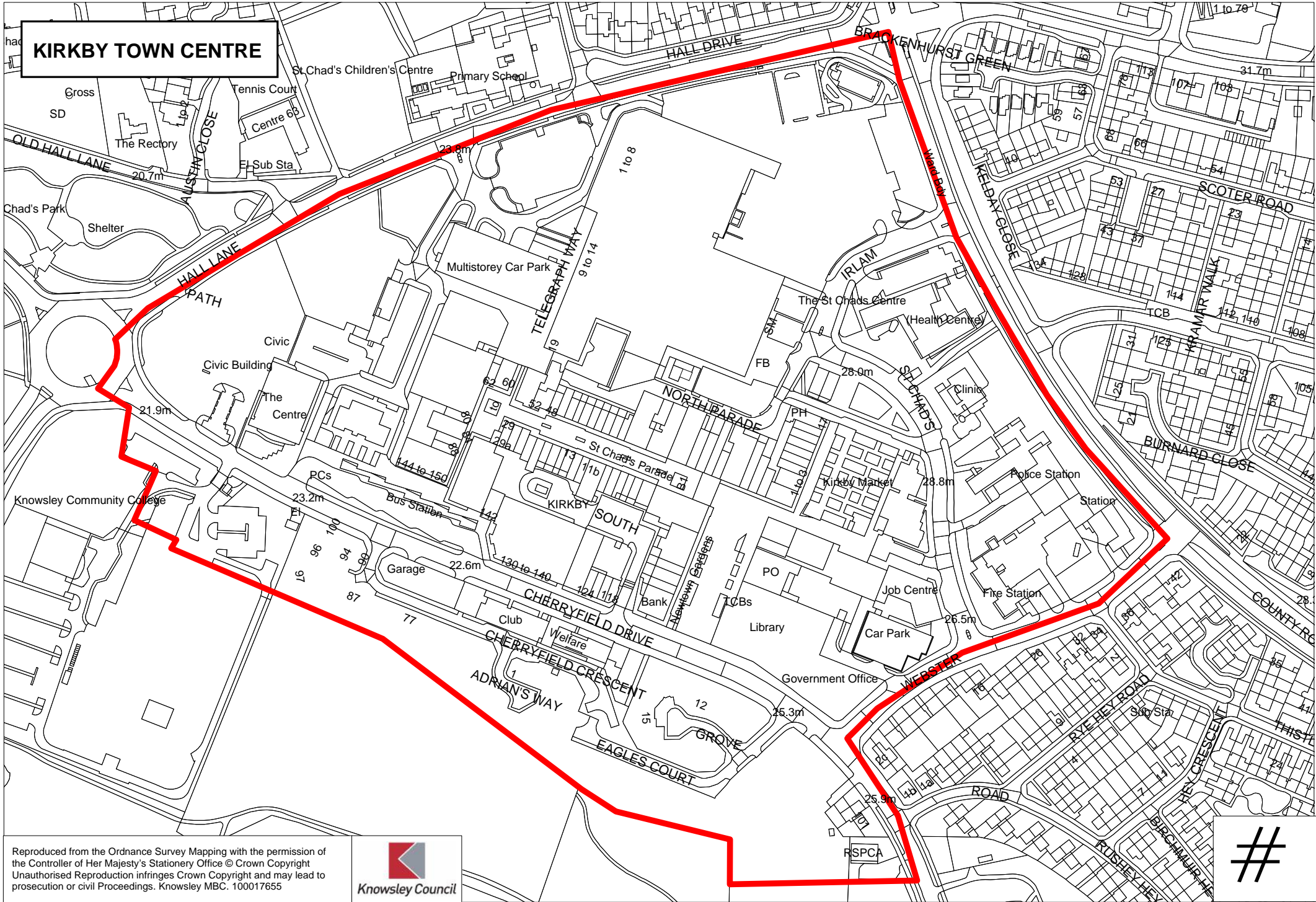


HUYTON TOWN CENTRE

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KIRKBY TOWN CENTRE



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APPENDIX B - Standard Conditions

Standard Conditions of A Street Trading Consent

1. No trading shall take place except between the dates and times specified on the Street Trading Consent.
2. The consent holder may employ any other person authorised by the Council (“authorised assistant”) to assist them in their trading without that person being required to obtain a street trading consent, but such authority is limited to assistance given in the employ of the consent holder. It is the responsibility of the consent holder to ensure that all assistants in their employ are authorised by the Council and their names are detailed on the Consent.
3. Static Street Trading Consent holders and any authorised assistants will be issued with identification badges, which must be worn at all times during trading, be clearly visible, and shall be produced for inspection if requested by any Police Officer or by an authorised officer of the Council.
4. Mobile Street traders will be required to display the Consent Summary in a prominent location (which is visible to customers) on all authorised vehicles associated with their consent. The consent summary shall be produced for inspection if requested by any Police Officer or by an authorised officer of the Council
5. All types of street traders are required produce their consent for inspection when requested to do so by a Police Officer or by an authorised officer of the Council
6. Mobile Street Traders will also be required to keep a copy of the full street trading consent including consented streets in an accessible location on each vehicle authorised to trade on the consent. The consent shall be produced for inspection if requested by any Police Officer or by an authorised officer of the Council.
7. Trading shall only be carried out from the vehicles/trailer/stall authorised on the consent unless the Council has authorised in writing the use of a substitute. The external and internal appearance of the vehicle, stall or trailer shall be maintained in a clean, neat and tidy condition.

8. Any authorised vehicle used for mobile street trading shall display an identification plate in such a manner as to be clearly visible at all times. Vehicle(s) shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. All additional safety equipment must also be kept in working order at all times.
9. The consent holder or authorised assistant will allow an authorised officer of the Council or Police Officer to carry out an inspection on request. Should the vehicle be found to be un-roadworthy or without any/all of the safety equipment not working, an authorised officer may issue an immediate suspension notice to the vehicle until such time as any faults are rectified.
10. Vehicle movements must be carried out legally and must not present a risk to people and structures. The vehicle shall not drive or park the vehicle on any part of a footway.
11. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
12. All types of Street Trading Consent holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £1,000,000.
13. All food businesses must be registered as a food business with the local authority where the van, trailer or stall is kept overnight. All food businesses registered outside of the Knowsley metropolitan borough must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
14. All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall, trailer, or vehicle.
15. Traders must dispose of their trade waste in an appropriate manner. Waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use.

16. No consent holder shall trade from any location which may cause a nuisance, obstruction, danger or any other offence. In the event that any nuisance, obstruction, danger or other offence is caused the Council may notify the consent holder to cease trading from that location.
17. No unreasonable noise shall be made or caused to be made by the consent holder or any authorised assistant in the street in which trading is taking place. The chimes of an ice cream van shall not be used before 12 noon or after 7pm and shall conform to the Code of Practice of Noise from Ice-Cream Chimes 1982.
18. Any stall, vehicle or trailer used for trading must be immediately removable at all times. In the event of an emergency or at any other time it shall be so removed at the reasonable request of any officer of the emergency services or authorised officer of the Council.
19. Any stall, container, authorised vehicle or other article used for trading shall be removed from the trading location no later than one hour after the end of trading and shall not return until trading commences the next day.
20. Where more than one ice cream trader has been granted a street trading consent to trade in the same street, then any such ice cream trader on entering a street where an ice cream trader is already trading shall immediately leave that street without trading in it.
21. The consent holder and any authorised assistant shall be clean and tidy and behave in a civil and orderly manner at all times.
22. The consent holder and any authorised assistant(s) must notify the Council in writing within 7 days of any change of address, any charges, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending referral to a Licensing Sub Committee for review of the consent, should any criminal matter be serious enough that there are concerns for public safety.
23. This street trading consent does not imply or give any other permission, consent or authorisation which may be required to trade.
24. This consent is not transferable and is personal to the consent holder. Any new trader wishing to take over an existing must submit a new application.

25. The fees for this consent must be paid on or before the due date for payment as specified by the Council. Renewal applications will not be accepted where the applicant is in arrears with fees relating to the previous year's consent.
26. Should the trader wish to surrender this consent, they must do so formally in writing, returning any identification plates/badges, Street Trading Consent and Summary. Failure to do so will result in consent fees remaining payable.

PLEASE NOTE

- Failure to comply with these conditions may result in enforcement action, leading to this street trading consent being revoked or an application to renew being refused.
- The Council reserve the right to amend these standard conditions at any time. The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.
- Should any changes be made to the conditions of consent, a copy will be re-issued to all Consent holders.
- This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading.