



*Knowsley Council*

## **LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

### **STREET TRADING CONSENTS**

#### **NOTES FOR THE GUIDANCE OF APPLICANTS FOR CONSENTS**

The Local Government (Miscellaneous Provisions) Act 1982 lays down certain regulations concerning street trading. Within the Borough of Knowsley there are some streets in which street trading cannot take place. These are called "prohibited streets" and a list of these streets is attached at the end of these notes. Street trading may be carried out in all other streets provided that the trader has obtained a Consent from the Council and complies with certain conditions. The streets in which trade may be allowed are called "Consent streets". These notes explain how to make an application for a Street Trading Consent.

#### **What is street trading ?**

Street trading means selling, exposing or offering for sale any article in a street. The term street includes footways, car parks, public house forecourts and generally any area where the public have access without payment.

#### **Exemptions from the need to obtain Consent**

Some types of trade are exempt from the need to obtain Consent to trade in a street. These include:-

- (a) pedlars trading under the authority of a Pedlars' Certificate
- (b) trade carried out by roundsmen, e.g. milkmen
- (c) news vendors trading in the sale of newspapers and periodicals only, provided that they are not sold from a stall or similar structure, or if they are that it stands on the carriageway of a street and its dimensions do not exceed 1m in length, 2m in height and does not occupy a ground area of more than 0.25 sq.m.
- (d) trade at fairs and markets which hold a right to trade
- (e) trade at petrol filling stations
- (f) trade carried out in a street adjoining a shop provided it is part of the business of that shop (such business must not obstruct the highway)

Other types of trade may be exempt and further advice can be obtained from the Licensing Office. If you are not sure whether you need a Consent it is advisable to make application and the Council will let you know if a Consent is required.

### **The Council's Street Trading Policy**

- A. The Council will only issue Consents (not including Ice Cream Consents) when it is satisfied that;
- (i) The applicant can demonstrate a clear demand for the services which he/she would provide were a Consent granted,
  - (ii) There are no shops selling similar goods or similar street traders within a reasonable proximity of the proposed trading location taking account of the nature and character of the location and the trading hours applied for. It is unlikely that the Council would look favourably upon an application where there is similar provision within 1/4 mile of the proposed trading location; and
  - (iii) There are no significant objections to the application.

You should bear this in mind when considering the area in which you wish to trade. The Policy also applies to renewals, as well as the initial application. It is important that you understand this because if your initial application is successful and you wish to renew your Consent your renewal application will be considered against this Policy and any circumstances which prevail at the time.

- B. Ice Cream Consents will only be issued where no objections are received and where there is no alternative provision from shops or other ice cream traders. Applications will be refused if there are already 2 or more ice cream traders in the street applied for. Ice Cream traders are only permitted to sell or offer for sale ice cream, frozen confectionery, confectionery, crisps and soft drinks.
- C. Applications to take over existing Consents are treated in accordance with Paragraph A above. However, where the application is in respect of a consented business which has previously co-existed without conflict with other shops or similar consented traders which are within 1/4 mile of the location applied for then the Council may be minded to grant the application providing no significant objections are received.
- D. You may apply to trade on any day(s) of the week but all types of street trading cannot take place after 9.00 pm. Should your application be to trade within 1/2 mile of Kirkby Market then you will not be allowed to trade on Tuesday, Friday or Saturday before 5.00 pm.
- E. Use Of Assistants

All assistants must be approved by the Council which will involve them in submitting an application form supported by two references, appropriate identification, a Basic Disclosure Certificate (which cannot be more than 30 days old), and the appropriate fee.

Assistants must be 'fit and proper persons' and have no relevant convictions. Application forms for assistants are available on request from the Licensing Office.

### **How to apply for a Street Trading Consent (New)**

1. Applicants must be aged 17 or over.
2. Applications must be made on the form provided by the Council obtained from the Licensing Office. All questions asked must be answered as failure to complete the application form fully will lead to delays. Please remember that any false statement could lead to prosecution.
3. When completed, the application form together with a fee of 10% (non-refundable) proof of identification, a Basic Disclosure Certificate (Which cannot be more than 30 days old) and two character references (from persons of standing in the community such as a doctor, priest, solicitor, employer, etc) should be sent to the Licensing Office.
4. You must place a notice in a local newspaper giving details of your application and allowing members of the public 14 days to make representations to the Council in respect of your application. A sample notice is enclosed for this purpose.
5. Upon receipt of your fully completed application form consultations will take place with the following:-

Merseyside Police  
Ward Councillors  
Environmental Health & Consumer Protection Division  
Department of Regeneration & Neighbourhoods  
Local Residents (if applicable)

If no objections are received and an application satisfies the Councils Policy, then a consent can be issued. Where objections are received and/or an application does not satisfy the Councils Policy then the matter will be referred to a Licensing Sub-Committee who will decide whether or not to grant your application.

6. In normal circumstances an application will take approximately four to six weeks to process. The Council will write to you informing you of its decision. In the case of a new application (not renewal) you must not trade as a street trader until you have obtained a Consent from the Council.
7. If your application is granted you must produce a certificate of insurance of third party public liability cover for £1,000,000 to the Licensing Office before a Consent is issued to you (and a current M.O.T. Certificate if you are trading from a vehicle). All Consents, whenever issued, will expire on 31 March next. A reduced fee will be charged if your Consent is issued for less than 12 months.

## **Renewal Applications**

Renewal applications are considered against the Council's Policy and any circumstances which prevail at the time. All applications for renewal will need to be submitted with a Basic Disclosure Certificate, a certificate of insurance of third party public liability cover for £1,000,000 and a current M.O.T. Certificate if you are trading from a vehicle. Should there be any objections to your application then the matter will be reported to a Licensing Sub-Committee for their determination.

## **Applications to Take Over Existing Consents**

Such applications are treated the same as new applications (see 'The Council's Street Trading Policy' above - paragraph A refers). However, where the application is in respect of a consented business which has previously co-existed without conflict with other shops or similar consented traders which are within 1/4 mile of the location applied for then the Council may be minded to grant the application providing no significant objections are received.

## **Conditions of a Street Trading Consent**

If the Council grants a Street Trading Consent it will be subject to conditions. These conditions regulate the way in which trade can be carried out and the trader must strictly comply with them. Failure to comply could result in prosecution and/or the Consent being revoked. A copy of the standard conditions of Consent is attached.

## **Other Legislation and Codes of Practice**

Apart from the conditions of a Street Trading Consent the trader has an obligation to comply with any other laws and regulations relating to the particular type of trading being carried out. This includes compliance with Codes of Practice such as the Code of Practice on Noise from Ice-Cream Van Chimes 1982, the Shop Acts and the Sunday Trading Legislation. Failure to comply with relevant legislation could lead to prosecution under the various statutory provisions. If you have any doubt about the laws relating to your particular trade you should obtain legal advice or contact Environmental Health on telephone number (0151)-443 4733 or (0151) 443 4710.

## **Inspection Of Trade Vehicles**

It is necessary for the Council's Environmental Health Officers to inspect trade vehicles, portable stalls, etc to ascertain their suitability. Once your application is submitted to the Licensing Office a copy will be sent to Environmental Health and you should contact them on (0151) 443 2846/4270 to make an appointment to inspect your vehicle/trailer etc.

**Any trader granted a consent must allow, at all reasonable times, access to Environmental Health Officers to inspect their vehicle or stall and shall comply with any reasonable request made to them by Authorised Officers of the Council or Police.**

## **Fees and Charges**

The scale of fees and charges approved by the Council are as follows:-

<u>Nature of Consent</u>	<u>Fees and Charges</u>
New Street Trading Consent	£700 per year
Renewal of a Street Trading Consent	£450 per year
Daily Fee:-	
Fish Trader	£6 per day or part of day
Flower Seller	£6 per day or part of day
Mobile	£6 per day or part of day
Variation of Consent (additional Streets)	£150
Change of vehicle or details	£30
Street Traders Assistants Badge	£20.00 per year
Copy of licence	£10.50

The fee for new applicants will be charged from the first day of the month in which Consent is granted until the following 31st March.

These fees relate to both the granting of a new Consent and the renewal of an existing one. A deposit of 10% of the relevant fee must accompany the application form and the Council has made provision (if required) for the remainder of the annual fee to be paid by equal monthly instalments.

## **Rehabilitation Of Offenders Act 1974 (As amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012)**

On your application form you must disclose any convictions which are not 'spent'.

The rehabilitation period (the length of time before a caution or conviction becomes spent) is determined by the type of disposal administered or the length of the sentence imposed. Rehabilitation periods that run beyond the end of a sentence are made up of the total sentence length plus an additional period that runs from the end of the sentence, which is called the 'buffer period'. Other rehabilitation periods start from the date of conviction or the date the penalty was imposed.

The 'buffer periods' are halved for those who are under 18 at date of conviction (save for custodial sentences of six months or less where the 'buffer period' is 18 months).

The rehabilitation periods for sentences with additional "buffer periods" which run from the end date of the sentence are shown in the table below:

<b>Sentence/disposal</b>	<b>Buffer period for adults (18 and over at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).</b>	<b>Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the <u>end</u> date of the sentence (including the licence period).</b>
Custodial sentence* of over 4 years, or a public protection sentence	Never spent	Never spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3½ years
Custodial sentence of over 6 months and up to and including 30 months (2 ½ years)	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months

\*Custodial sentence includes a sentence of imprisonment (both an immediate custodial sentence and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

\*\*In relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction. The following table sets out the rehabilitation period for sentences which do not have “buffer periods” and for which the rehabilitation period runs from the date of conviction:

<b>Sentence/disposal</b>	<b>Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered).</b>	<b>Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered).</b>
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None

Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

More information about the application of the above rehabilitation periods can be found at [www.gov.uk](http://www.gov.uk)

### **Enquiries**

If you have any queries regarding your application, or about street trading in general, please contact us on Tel ; 0151 443 2300 or Email [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk)

Alternatively you can make an enquiry in person at the Licensing public counter, which is open Monday to Friday between 9am and 4pm, and is based at;

Huyton One Stop Shop  
Archway Road  
Huyton  
Knowsley  
Merseyside  
L36 9YU

## **Standard Conditions Of A Street Trading Consent**

1. Any authorised vehicle shall display an identification disc in such a manner as to be clearly visible at all times. The consent holder shall only trade from this vehicle unless the Council has authorised in writing the use of a substitute vehicle instead of the authorised vehicle.
2. The consent holder may employ any other person authorised by the Council (“authorised assistant”) to assist him in his/her trading without that person being required to obtain a street trading consent but such authority is limited to assistance given by such authorised assistant whilst acting under the direct supervision and control of the consent holder. For the avoidance of doubt the use of authorised assistants does not extend to the employment of such persons to trade in the absence of the physical presence of the consent holder unless the prior written consent of the Council has been obtained by the consent holder.
3. Identification badge’s issued to the consent holder and any authorised assistant shall be worn at all times during trading and be clearly visible and shall be produced for inspection if requested by any Police Officer or by an authorised officer of the Council.
4. The consent holder and any authorised assistant shall comply at all times with all applicable health, safety and food hygiene requirements.
5. The consent holder and any authorised assistant must ensure that any refuse, litter or rubbish shall be removed from the trading location at the end of each days trading and properly disposed of.
6. Any authorised vehicle must be roadworthy, have a current MOT certificate, road fund licence and certificate of insurance (if these documents are applicable) and the external and internal appearance of the vehicle (or stall, etc) shall be maintained in a clean, neat and tidy condition.
7. Any stall, container, authorised vehicle or other article 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.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. The consent holder and any authorised assistant shall be clean and tidy and behave in a civil and orderly manner at all times.
14. When requested to do so by a Police Officer or by an authorised officer of the Council the consent holder shall produce this consent for inspection.
15. The consent holder and any authorised assistant(s) must notify the Council immediately of any change of address.
16. This street trading consent does not imply or give any other permission, consent or authorisation which may be required to trade.
17. This consent is not transferable and is personal to the consent holder.
18. The fees for this consent must be paid on or before the due date for payment as specified by the Council.
19. The consent holder shall obtain appropriate public liability insurance and ensure that it is valid at all times. The consent holder shall produce this insurance upon request from any Police Officer or authorised officer of the Council.

**PLEASE NOTE:**

Failure to comply with these conditions may result in this street trading consent being revoked/refused.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.

This consent must be surrendered to the Council if the consent holder wishes to cease trading.

## **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

Mirfield Close

Norley Place

Okell Drive

Raven Court

Redbourne Avenue

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

### **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

Centre Way

Childwall Lane (Milton Avenue to Pilch Lane)

Childwall Parade

Derby Road (except land outside the NatWest Bank in front of the small wall, and land outside the Lunn Poly Travel Agents (No.35 Derby Road) in front of the small wall).

## **HUYTON CONTINUED**

Dinas Lane (Page Moss Lane to Aylton Road)  
Dinas Lane Parade (and Shops Service Road)  
Ellis Ashton Street  
Gentwood Parade  
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  
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 (and Service Roads on either side)  
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  
Woolfall Heath Avenue (Fairclough Rd. to Mardale Road & Shop Service Road)  
York Road (Longview)

## **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)  
Mill Lane  
Minstead Avenue (Quarryside Drive to Wyllin Road)  
Moorgate Road  
Newick Road  
Newtown Gardens  
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  
Shacklady Road  
Shevingtons Lane  
Simonswood Lane  
South Boundary Road  
South Parade  
Stopgate Lane (Pingwood Lane to Shevingtons Lane)  
Telegraph Way  
Thursby Close

## **KIRKBY CONTINUED**

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

## **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

## **PRESCOT**

Ackers Street  
Aspinall Street  
Atherton Street  
Chapel Street  
Church Street  
Cyprus Street  
Derby Street  
Eccleston Street  
High Street  
Highfield Place  
Hill Street  
Kemble Street  
Kingsway  
Leyland Street  
Manchester Road  
Market Place  
Mill Street

## **PRESCOT CONTINUED**

Prescot By-Pass  
St Helens Road  
Shaw Lane (Kingsway to Dragon Lane)  
Stone Street  
Warrington Road

## **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)

All new applications for a Street Trading Consent must be publicised in a newspaper which circulates in the area for which the application for a Consent is made. A copy of the notice must be sent to the Licensing Office stating the date it was published and in which newspaper.

**SAMPLE NOTICE TO BE PUBLISHED IN NEWSPAPER**

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

Application for a Street Trading Consent.

Notice is hereby given that application is being made to Knowsley Metropolitan Borough Council by (a) .....  
to trade in (b) .....  
using a (c) .....

Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing within 14 days of this Notice to the Licensing Office, 2<sup>nd</sup> Floor, Yorkon Building, Huyton, Knowsley, L36 9FB or be emailed to [licensing@knowsley.gov.uk](mailto:licensing@knowsley.gov.uk)

*(The sentence below to be inserted in the case of ice cream applications only)*

A full list of the streets that I have applied to trade in can be viewed at the above office between 9am and 4pm Monday to Friday.

**Signed** .....

**Date** .....

- (a) Insert name of Applicant.
- (b) Insert name(s) of roads.
- (c) Insert type of vehicle to be used.