



# Public Document Pack

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Committee Manager Carley Lavender (Extn 37547)

03 March 2022

## LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in **Council Chamber, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF** on **Friday 11 March 2022 at 9.30 am** and you are requested to attend.

Members: Councillors Blanchard-Cooper (Chairman), Cooper (Vice-Chair), Clayden, Daniells, Gregory, Hamilton, Kelly, Northeast, Oliver-Redgate, Mrs Staniforth and Worne

PLEASE NOTE: Where public meetings are being held at the Arun Civic Centre, to best manage safe space available, members of the public are encouraged to watch the meeting online via the Council's Committee pages.

1. Where a member of the public wishes to attend the meeting or has registered a request to take part in Public Question Time, they will be invited to submit the question in advance of the meeting to be read out by an Officer, but of course can attend the meeting in person. There will be limited public access to this meeting and admission for public speakers will be by ticket only, bookable when submitting questions. Attendees will be asked to sit in an allocated seat in the public gallery on a first come first served basis. Only one ticket will be available per person.
2. It is *recommended* that all those attending take a lateral flow test prior to the meeting.
3. Those attending the meeting will *not* be required to wear a face covering however, are encouraged to bring one along to cover instances where a meeting may have higher public attendance. Masks will be made available at the meeting.
4. We request members of the public do not attend any face-to-face meeting if they have Covid-19 symptoms.

Any members of the public wishing to address the Committee meeting during Public Question Time, will need to email [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk) by 5.15 pm on Thursday, 3 March 2022 in line with current Committee Meeting Procedure Rules.

It will be at the Chief Executive's/Chair's discretion if any questions received after this deadline are considered.

For further information on the items to be discussed, please contact [Committees@arun.gov.uk](mailto:Committees@arun.gov.uk).

## **AGENDA**

### 1. APOLOGIES FOR ABSENCE

### 2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of pecuniary, personal and/or prejudicial interests that they may have in relation to items on this agenda and are reminded that they should re-declare their interest before consideration of the item or as soon as the interest becomes apparent.

Members and officers should make their declaration by stating:

- a) the item they have the interest in
- b) whether it is a pecuniary, personal and/or prejudicial
- c) the nature of the interest

### 3. MINUTES

(Pages 1 - 10)

To approve as a correct record the Minutes of the meeting held on 10 December 2021 and note the minutes from the Licensing Sub-Committee meeting held on 14 January 2022.

### 4. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

### 5. PUBLIC QUESTION TIME

To receive questions from the public (for a period of up to 15 minutes).

6. STREET TRADING AND MARKETS POLICY, MAKING OF RESOLUTION TO VARY STREET TRADING DESIGNATIONS AND FEE SETTING (Pages 11 - 116)

This report provides comments made following public consultations regarding street trading proposals previously considered by the committee.

The report also provides a second draft of the Street Trading and Markets policy.

The Licensing Committee are asked to:

- consider the consultation responses
- recommend approval of the policy
- make a resolution regarding the Street Trading Designations and approve the proposed fees.

7. COMMITTEE WORK PROGRAMME 2021/22 (Pages 117 - 118)

The Committee are requested to note the work programme for 2021/22 has been completed.

Note: If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

Note: Filming, Photography and Recording at Council Meetings – The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link - [PART 8 - CP - Section 5 Filming Photographic Protocol](#)

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# Agenda Item 3

Subject to approval at the next Licensing Committee meeting

351

## LICENSING COMMITTEE

10 December 2021 at 9.30 am

Present: Councillors Blanchard-Cooper (Chairman), Cooper (Vice-Chair), Clayden, Gregory and Worne

### 516. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Hamilton, Kelly, Northeast, Oliver-Redgate and Staniforth.

### 517. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

### 518. MINUTES

The Minutes of the previous meeting held on 10 September 2021 were approved by the Committee and signed by the Chair.

### 519. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items.

### 520. PUBLIC QUESTION TIME

The Chair confirmed that there had been no questions from the public submitted for this meeting.

### 521. MINUTES OF LICENSING SUB-COMMITTEE

The Minutes of the Licensing Sub-Committee meetings held on 24 September 2021 and 3 December 2021 were received and noted by the Committee.

Councillor Clayden as Chair of the Licensing Sub-Committee on 3 December 2021 wished the Committee to note the request made by the Sub-Committee in Minute 13 – for all applications for hackney carriage/private hire driver licences, that the application form and references from other local authorities where an applicant had been or was a taxi driver be provided as part of the report to avoid delays in the future.

Licensing Committee - 10.12.21

## 522. LICENSING FEE SETTING

Upon the invitation of the Chair, the Licensing Manager presented the report which set out proposed licence fees for specified licensing regimes to take effect on 1 April 2022. She highlighted in the appendices of the report the list of proposed fees alongside the current costs levied, and explained that the changes were limited as although costs had gone up, efficiencies had been made to ways of working with some processes have being streamlined and the benefit of this being passed forward to customers with fees set on a cost recovery basis.

Members then took part in a debate on the item where clarification over the meaning of the 'exhibition of animals' was sought. The Vice-Chair thanked Officers for the amount of time and effort involved in this detailed piece of work.

The Committee

### RESOLVED

That the licensing fees set out in appendix 1 be approved, to be effective from 1 April 2022.

## 523. TAXI FARES

Upon the invitation of the Chair, the Licensing Officer presented the report which provided information to be considered for the annual review and setting of the Hackney Carriages (Taxis) fares charged to customers for the period of 1 April 2022 to 31 March 2023. He highlighted that there had been a limited and mixed response to the consultation with some for a rise, although without suggesting specific amounts, and some against a rise.

Members then took part in a full debate on the item where a number of points were raised including:

- fares set on a cost recovery basis
- only 11% response rate to the consultation and the implication that fares were at an appropriate level
- the difficulties of the current market for taxi drivers and the reduction in trade due to the pandemic, and support for no increase to the fares
- the cost of meter recalibration

The Licensing Manager and the Licensing Officer provided Members with responses to all points raised during the debate. It was highlighted that only 42 of 265 drivers had taken advantage of previous fare increases and had their meters recalibrated which meant that most were not currently charging up to the maximum fare possible, and that there was a policy in place for fare charge increases if a particular fuel price was reached.

The recommendations were then proposed and seconded.

The Committee

RECOMMEND TO FULL COUNCIL - that

1. The fare structure of no increase for 2022/23 be agreed, as advertised. The fare structure shall come into effect 1 April 2022.
2. The approval of taxi fares be delegated to the Licensing Committee.

#### 524. STREET TRADING DESIGNATIONS

Upon the invitation of the Chair, the Licensing Manager presented the report which asked that a recommendation be made to Full Council that an intention be made to pass a resolution to vary Street Trading Designations as set out in the appendices of the report. This intention would be made by agreeing to the advertising of the proposed Designations attached to the report. The report also sought delegation of Street Trading matters to the Licensing Committee. It was explained that the experience of the pandemic had highlighted that the current provision was outdated and required review, and that this provided an opportunity to proactively support business and regeneration across the District.

Members then took part in a full debate on the item where a number of points were raised including:

- clarification was sought on what consultation had been done
- the impacts of possible street trading on the smaller towns and villages of the District
- an opportunity to support expanding businesses and start-ups who were exploring different ways of doing things, and the benefit of this to the area

The Licensing Manager provided Members with responses to all points raised during the debate. She highlighted that the report was only looking at street designations and provided a proactive way to invite applications, and that the policy to implement these designations would come back to Committee at a later stage.

The recommendations were then proposed and seconded.

The Committee

RECOMMEND TO FULL COUNCIL - that

1. An intention to pass a resolution to vary Street Trading Designations as set out in the appendices of this paper be made. This intention is made by agreeing to the advertising of the proposed Designations attached to this paper

Licensing Committee - 10.12.21

2. Future matters relating to Street Trading Designations, Policy and Fees be delegated to the Licensing Committee.

525. STATEMENT OF GAMBLING LICENSING PRINCIPLES 2022-2025

Upon the invitation of the Chair, the Licensing Officer presented the report which required the Committee as Arun's Licensing Authority, before each successive period of three years, to prepare and publish a statement of principles they proposed to apply in exercising their functions under the Gambling Act 2005. There were no changes proposed.

The recommendation was then proposed and seconded.

The Committee

RECOMMEND TO FULL COUNCIL

That the proposed Statement of Gambling Principles 2022-2025 without change be adopted.

526. WORK PROGRAMME

The Committee noted the Work Programme.

(The meeting concluded at 10.07 am)



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Subject to approval at the next Licensing Sub-Committee meeting

1

## LICENSING SUB-COMMITTEE

14 January 2022 at 9.30 am

Present: Councillors Blanchard-Cooper (Chair), Gregory and Kelly

Officers in attendance were:

Caroline Perry – Interim Legal Services Manager

Sarah Meeten – Licensing Manager

Glenn James – Licensing Officer

Jane Fulton – Committee Services Manager

Andrew Bishop – Committee Services Officer

1. ELECTION OF CHAIR

Councillor Blanchard-Cooper was elected Chair for the meeting.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. EXEMPT INFORMATION

The Sub-Committee

RESOLVED

That under Section 100A(4) of the Local Government Act 1972, the public and accredited representatives of newspapers be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act by virtue of the paragraph specified against the items.

4. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with a previous relevant conviction.

The Sub-Committee was advised that this application had been considered at the last meeting of the Sub-Committee held on 3 December 2021 but had been deferred so that further information could be obtained from another local authority that the applicant had confirmed at that meeting that he had held a licence with.

Licensing Sub-Committee - 14.01.22

The Licensing Officer confirmed that due to the nature of the conviction and driving offence, in line with Council Policy, this deferred application had to be considered by this Sub-Committee.

The Sub-Committee was also advised of an amendment that needed to be made to the report before it. This was to correct an error around the nature of a driving offence set out in Paragraph 1.7 of the report.

The Licensing Officer also referred to the supplement pack that had been circulated to Members separately to the agenda. A Data Protection Act information request has been made to the authority that the applicant had previously worked for. The response to the request confirmed the type of license that the applicant had held with that authority and the dates covered. The Licensing Officer worked through the detail of the response received and reported that the applicant had had an application for a private hire driver licence refused from that authority in 2019 and that this had not been declared on the applicant's application to this Council. The reasons for this refusal were explained to the Sub-Committee.

The applicant was in attendance and provided detail around his application that had been refused by the other authority and that there had been various administrative errors made by that authority that had led to the application being refused.

The Sub-Committee had no questions to ask the applicant. The Licensing Officer asked questions of the applicant seeking confirmation as to whether he was applying for a private hire driver licence, hackney carriage licence or operator licence. It was confirmed that a private hire licence was being requested.

All parties left the room to enable the Sub-Committee to consider the matter.

All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that the Sub-Committee had worked through the applicant's application very thoroughly and had taken on board the applicant's statement and questions asked and responses provided. The Sub-Committee had concern that the applicant had not declared on his application form that he had had an application for a private hire licence refused by another authority. Such an omission normally provided grounds to instantly refuse an application, but having taken on board all of the evidence provided by the applicant and having applied the application to Paragraph 34 of the Council's Hackney Carriage and Private Hire Licensing Policy and Handbook (the Policy) and the provisions of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Sub-Committee confirmed its decision which was to grant the licence, subject to a new DBS check with no conviction other than those stated, knowledge test, medical and driving assessment, being completed to the satisfaction of Officers. That Officers would reject the application if other conviction were found.

The Interim Legal Services Manager reminded the applicant that for any other licence applications that he may submit in the future, it was imperative that section 7 of the application be fully completed, in line with Paragraph 41 of the Policy as it was an offence to make a false declaration or statement.

The Sub-Committee therefore

RESOLVED

To grant the licence, subject to a new DBS check with no conviction other than those stated, knowledge test, medical and driving assessment, being completed to the satisfaction of Officers. That Officers would reject the application if other conviction were found.

5. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions.

It was explained that the applicant wished to renew his licence and that he had been a licensed driver with this authority since 2012.

The Licensing Officer informed the Sub-Committee that the applicant had been banned from driving in 2021 for a period of six months under the totting up provisions. The Licensing Officer provided detail of each of the offences received.

Due to the nature of the offences and Council Policy, the application had to be presented to this Sub-Committee for consideration.

The Licensing Officer informed the Sub-Committee that under the legislation part of the report before Members, this application had to be made in line with Local Government (Miscellaneous Provisions) Act 1976, Section 51, yet the determination of this application had to be made under Section 61 of this Act, and a copy of this part of the legislation was circulated to all present at the meeting.

The applicant was in attendance and provided a statement confirming how he had regretted his actions and in assessing the risk associated with them, he had learnt from his actions and was ashamed and embarrassed that he had jeopardised the safety of others and his career. This was time for him to reflect and he provided assurance that this would not happen again and that he posed no risk or harm to anyone.

The Sub-Committee had no questions to ask the applicant

All parties left the room to enable the Sub-Committee to consider the matter.

Licensing Sub-Committee - 14.01.22

All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that the Sub-Committee had fully considered the application and had decided to refuse the application. The full reasons for refusal were confirmed by the Interim Legal Services Manager.

It was confirmed that the Sub-Committee's overriding concern was to protect public safety. Hackney Carriage and Private Hire Drivers were professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrated a lack of professionalism and was considered very seriously. It was accepted that offences could be committed unintentionally, and single occurrence of a minor traffic offence might result in action against an existing licence. However, in this case, there had been four incidents of speeding from December 2019 resulting in disqualification imposed on 3 September 2021 for a period of 6 months. This reinforced the Sub-Committee's view that the applicant did not take his professional responsibilities seriously and was therefore not a fit and proper person to retain a licence.

This decision would be sent to the applicant within fourteen days of this meeting. The applicant was advised that he had the right to appeal this decision to the Magistrates Court within twenty one days of receiving this decision.

The Sub-Committee therefore

#### RESOLVED

To refuse the application as the Sub-Committee's overriding concern was to protect public safety. Hackney Carriage and Private Hire Drivers were professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrated a lack of professionalism and was considered very seriously. It was accepted that offences could be committed unintentionally, and single occurrence of a minor traffic offence might result in action against an existing licence. However, in this case, there had been four incidents of speeding from December 2019 resulting in disqualification imposed on 3 September 2021 for a period of 6 months. This reinforced the Sub-Committee's view that you do not take your professional responsibilities seriously and are therefore not a fit and proper person to retain a licence.

6. APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE - EXEMPT PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972

The Sub-Committee received a report from the Licensing Officer which set out the detail of an application for a hackney carriage/private hire driver licence from an applicant with previous relevant convictions.

The Sub-Committee was advised that this application had been considered at the last meeting of the Sub-Committee held on 3 December 2021 but had been deferred so that further information could be obtained from other authorities that the applicant had confirmed at that meeting that he had held and continued to hold a licence with. The Licensing Officer referred Members to Appendix A of the report which set out the results of a Data request which confirmed that no issues had been experienced with the applicant.

Due to the nature of the offences and Council Policy, the application had to be presented to this Sub-Committee for consideration. The applicant had been requested to provide a Disclosure and Barring Service (DBS) certificate and this had established that there were no other convictions.

The applicant was in attendance and explained the circumstances of the offences which he very much regretted and he provided full detail of his current employment as a hackney carriage/private hire driver with another authority and taxi company. Following questions from Members, all parties then left the room to enable the Sub-Committee to consider the matter.

All parties were then recalled being advised of the Sub-Committee's decision.

The Chair confirmed that under Paragraph 62 of the Council's Licensing Policy, it would be usual to give a strict warning with regards to the convictions that the applicant had, with the youngest of these convictions having taken place 25 years ago. Having considered all the evidence and the statement from the applicant and having applied the Fit and Proper Person test it was felt that this need did not apply in this case. The Chair confirmed that the Sub-Committee had determined to grant the licence, subject to a knowledge test, medical and driving assessment being completed to the satisfaction of Officers.

The Sub-Committee

RESOLVED

To grant the licence, subject to a knowledge test medical and driving assessment being completed to the satisfaction of Officers.

(The meeting concluded at 11.25 am)

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## ARUN DISTRICT COUNCIL

### REPORT TO AND DECISION OF LICENSING COMMITTEE ON 11 MARCH 2022

#### PART A: REPORT

**SUBJECT: Street Trading and Markets Policy, and related matters**

**REPORT AUTHOR:** Sarah Meeten  
**DATE:** 10 February 2022  
**EXTN:** 37680  
**PORTFOLIO AREA:** Technical Services

#### EXECUTIVE SUMMARY:

This report provides comments made following public consultations regarding street trading proposals previously considered by the committee.

The report also provides a second draft of the Street Trading and Markets policy.

The Licensing Committee are asked to:

- consider the consultation responses
- recommend approval of the policy
- make a resolution regarding the Street Trading Designations
- approve the proposed fees.

#### RECOMMENDATIONS:

- 1)The Licensing Committee approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure the policy is aligned with the variation to Street Trading Designations.
- 2)The Licensing Committee pass a resolution to vary the proposed street trading designations as set out in the appendices of this paper after consideration of any representations and any appropriate amendments. The adoption will then be advertised in accordance with requirements.
- 3)The Licensing Committee approve the charging structure and fees to take effect 1 April 2022.
- 4)The Licensing Committee approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee, be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

## **1. BACKGROUND:**

### **Street Trading Controls**

- 1.1 Street Trading Controls were originally adopted by Arun in the 1980's. The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.
- 1.2 Since this time there has been dramatic change to the local area but no review of, or changes to street trading designations and the way that Street Trading is administered within the District.

### **Policy**

- 1.3 The draft policy was published for public consultation following the meeting of the Licensing Committee on 10 September 2021.
- 1.4 The responses to the consultation are appended to this paper.
- 1.5 A further draft of the policy is now presented to the Licensing Committee. The draft considers the feedback to the consultation where it was appropriate to do so.
- 1.6 The policy is presented to the Committee as recommended for approval. To assist the committee, the policy is provided as it is proposed it is adopted. A copy with track changes following the consultation, feedback and consideration is also provided to assist Members identify the changes post consultation.

### **Designations**

- 1.7 In addition to approving the policy, the Licensing Committee are asked to pass a Resolution regarding the proposed Street Trading Designations. The Designations require variation to align them with the proposed new policy. The current Designations were last considered in the 1980s and are no longer fit for purpose.
- 1.8 A draft of the proposed Designations is appended to this paper and were advertised following the Licensing Committees recommendation to Full Council (dated 10 December 2021). At this stage of the process Full Council delegated powers to the Licensing Committee to take decisions regarding matters relating to Street Trading and the constitution was amended to this effect.
- 1.09 The proposed Designations were published in a locally circulating newspaper and a copy was served on the chief officer of police and the highway authority responsible for the streets. No responses were received from the police or the highways authority. Towns and parishes were also notified.



1.10 After any representations have been considered by the licensing committee, a resolution may be passed.

1.11 A subsequent advertisement must be made specifying the resolution has been made.

**Fees**

1.12 The Licensing Committee are also asked to approve the related fees for the service. This will allow the Council to recover costs associated with delivery of the function.

**2. PROPOSAL(S):**

2.1 The Licensing Committee approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure the policy is aligned with the variation to Street Trading Designations.

2.2 The Licensing Committee pass a resolution to vary the proposed street trading designations as set out in the appendices of this paper after consideration of any representations and any appropriate amendments. The adoption will then be advertised in accordance with requirements.

2.3 The Licensing Committee approve the related fees to take effect 1 April 2022.

2.2 The Licensing Committee approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

**3. OPTIONS:**

3.1 To refuse to approve the draft policy to take effect on 1 April 2022 considering any necessary amendments to ensure it is aligned with the variation to Street Trading Designations.

3.2 To refuse to pass a resolution to vary street trading designations as set out in the appendices of this paper and advertise in accordance with requirements.

3.3 To refuse to approve the charging structure and fees to take effect 1 April 2022.

3.4 To refuse to approve the Group Head for Technical Services in consultation with the Chair and Vice-Chair of the Licensing Committee be delegated authority to make any minor changes to the Street Trading and Markets Policy (as defined within the policy itself).

**4. CONSULTATION:**

A full public six-week consultation was undertaken, and feedback has been requested from Towns and Parishes and other groups (including Bognor Regis BID, Littlehampton Traders Partnership as well as internal Council departments as well as current consent holders and other interested parties).

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	✓	
Relevant District Ward Councillors	✓	
Other groups/persons (please specify)	✓	

**5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)**

	YES	NO
Financial	✓	
Legal	✓	
Human Rights/Equality Impact Assessment	✓	
Community Safety including Section 17 of Crime & Disorder Act	✓	
Sustainability		✓
Asset Management/Property/Land	✓	
Technology		✓
Other (please explain)		

**6. IMPLICATIONS:****Financial**

A policy lays out processes and ensures that authorisations are administered in the correct manner.

If introduced post -consultation, it is anticipated that there will be an upturn in the number of consents issued. Fees will be charged at cost recovery which is the recognised process for charging of authorisations. The policy proposed a zero-fee payable for not-for-profit community and charitable organisations.

**Legal**

A policy lays out processes and ensures that authorisations are administered in the correct manner. Currently there is no mechanism for dealing with numbers of complaints being received due to outdated Designations.

**Human Rights/ Equality Impact Assessment**

EIA attached

### **Community Safety**

Internal consultation with other departments has included Community Safety who have been asked if there are any areas of the district that may benefit from street trading presence to increase presence and drive down anti-social behaviour.

### **Asset Management/Property/Land**

The new policy will set clearer parameters between what will be dealt with as street trading and what will be administered as a concession (by Property & Estates).

## **7. REASON FOR THE DECISION:**

To facilitate the opportunity for enhanced street trading provision within the district in a way which supports the objectives of the policy and provides opportunity to further boost the local economy.

## **8. BACKGROUND PAPERS:**

Revised draft policy

Consultation responses from the policy consultation

Consultation responses from the Designations consultation

Proposed Street Trading Designations

Proposed fees

Equality Impact Assessment

Schedule 4 Local Government (Miscellaneous Provisions) Act 1982 [Local Government \(Miscellaneous Provisions\) Act 1982 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1982/18/schedule-4)

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**TEMPLATE FOR REPORT FOR THE**  
**CORPORATE COMMITTEE WORK PROGRAMME**

**TITLE – Street Trading and Markets Policy, Making of Resolution to Vary Street Trading Designations and Fee Setting**

**Executive Summary:**

This report provides the second draft of Street Trading and Markets Policy together with comments from the public consultation and a proposal regarding the making of a resolution for Street Trading Designations.

The Licensing Committee are asked to recommend approval of the Policy, to make a recommendation of a resolution regarding the Street Trading Designations and to recommend approval of a proposed charging structure and fees.

Committee Title and Meeting Date	Licensing Committee 11 March 2022
Lead Officer/s	Sarah Meeten
Responsible Director	Karl Roberts
What Wards are affected?	All
Has any consultation with Group Leaders or Committee Chairs taken place or is needed? If so, with whom?	Yes, paper has previously been to Licensing Committee twice and Full Council in December 2021
Background Papers (Please provide appropriate links or documents)	See papers from Licensing Committee 10 September 2021 and 10 December 2021.
Key Decision	Yes
Exempt Item? (If exempt, please give reason)	No
Does this report need to go to CMT?	No
Does this report require an EIA?	Yes

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## Arun District Council Street Trading and Markets Policy

Street Trading and Markets in Designated streets within the Arun District are managed in accordance with this Street Trading and Markets Policy. The Council approved this policy which came into effect on XXXXX. Minor changes to the policy may be made by officers in consultation with the Licensing Committee Chairman and the Group Head of Technical Services. Such changes will be added to an amendment log below prior to republishing. Examples of minor changes would include amendments to correct any administrative errors, inconsequential changes to make clarifications and changes to include any relevant factors with interacting legislation such as pavement licensing or planning.

The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.

Version number XX

### Amendment Log

Paragraph number	Amendment	Date

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## **Introduction**

Arun District Council (herein referred to as the Council) recognises that Street Trading brings vibrancy to the area and provides employment, opportunities for startup businesses to flourish as well as allowing current businesses to diversify and expand by utilising Street Trading opportunities. It also makes a visible and direct contribution towards regeneration and improvement to the character of the area. Increased presence of the public drives down incidences of anti-social behavior and makes an area more welcoming.

Street Trading also provides opportunities for community groups and charities to generate income as well as providing opportunities to integrate people into the local community via provision of pop-up and regular events where people may congregate to eat, purchase products and visit other local businesses. Street Trading provides an effective way of increasing footfall thereby providing a boost to the local economy.

It is recognised that the demand for Street Trading has increased significantly as activities being undertaken outside have become more favourable for vendors and consumers.

A council may designate areas for Street Trading as well as prohibiting trading in certain places. Prohibited areas may be designated because of concerns over potential nuisance or obstruction of narrow areas for instance. The Council has reviewed and amended Street Trading designations within the area as detailed in section 3 of this policy. The Council has also amended the designation of prohibited streets and removed the designation of licensed streets. The Council operates certain areas as concessions which are administered outside of the Street Trading regime and this Policy. Reference is made to concessions within this policy to assist understanding of what permission may be needed to trade within the district.

Where further Street Trading opportunities are identified as suitable for the area, the relevant appendices to this document will be updated. There are, for example, numbers of small business owners across the South Downs National Park (SDNP) area who produce wonderful products and provision should be made to showcase and sell these locally reducing food mileage and carbon footprint.

If a person wishes to trade on the streets or hold a market on a designated street, or a market as part of an event on the street, this document outlines policy and processes for obtaining consent. This document should be read in full prior to making an application. This policy outlines what types of permissions exist, what provision is

made, and outlines requirements exist in relation to Street Trading and Markets within the District. It will provide prospective traders with an early indication if their application is likely to be granted or not together with details of what is expected of traders.

This policy will be kept under review but in any case, a maximum period of five years will elapse before it is reviewed and consulted upon regarding any proposed changes.

## Definitions

**‘Consent Street’** means a street in which street trading is prohibited without the consent of Arun District Council.

**‘Operator’** is the consent holder of a consent issued for 5 or more stalls for regular markets and Occasional Markets, events and special occasion trading activity.

**‘Officer and Officers’** means an authorised Licensing Officer of Arun District Council

**‘Pitch’** is a designated located from which street trading can operate.

**‘Prohibited Street’** means a street in which street trading is prohibited.

**‘Street’** includes (a) any road, footway, beach or other area to which the public have access without payment; (b) a service area as defined in the section 329 of the highways Act 1980, and also includes any part of a street.

**‘Street Trading’** means, subject to Schedule 4 sub-paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982, the selling or exposing or offering for sale of any article (including a living thing) in a street; and “subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by Schedule 4 paragraph 4(4) of the Local Government (Miscellaneous Provisions) Act 1982.

The following are **NOT** Street Trading: Para 1(2)(a)-(j)

(a) trading by a person acting as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871;

(b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

(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;

(e) trading which—

- (i) is carried on at premises used as a petrol filling station; or
  - (ii) 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 things, or offering or exposing them for sale, as a roundsman;
  - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
  - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
  - (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.
- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where—
- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
  - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
    - (i) exceed one metre in length or width or two metres in height;
    - (ii) occupy a ground area exceeding 0.25 square metres; or
    - (iii) stand on the carriageway of a street.

**'Trading Unit'** may be a stationary van, car, barrow or other vehicle or a portable stall.

**'We'** means Arun District Council, the Licensing Authority

1.0 **Principles**

1.1 The Council will apply these key principles in the exercise of its Street Trading functions:

1.2 **Public Safety.**

If the Street Trading activity is likely to represent a substantial risk to the public.

Factors considered will include:

- obstruction
- fire hazard
- unhygienic conditions
- danger that may occur when a trader is accessing the site
- 

1.3 **Public Order and Nuisance.**

If the Street Trading activity could cause disorder, nuisance or annoyance to the public from matters including:

- noise
- light
- odour
- the behaviour of traders, particularly in residential or quieter areas.

1.4 **Appearance.** The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the standard Consent conditions (see Appendix 3, 4 and 5 as relevant). The general appearance of the stall or unit will also be considered to determine that it will not detract from the appearance of the surrounding area. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road). It is recommended that enquiries are made with a licensing officer prior to the purchase of any vehicle or stall.

1.5 **Location of Traders.** The Council will consider what benefit a particular street trader will bring to the local area and to persons frequenting that area. This could change dependant on the time of year as much of the district's footfall changes due to people visiting the area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. Some pitches may be placed in clusters to create an attraction (or as part of event) and some pitches may be placed with a view to seeking a specific

type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as providing opportunities for local businesses to trade, and for bringing more footfall to an area.

1.6

### **Environmental Sustainability.**

The Council consider the impact of the proposed operation on the local environment including but not limited to:

- power supply
- carbon footprint
- supply chain
- low food mileage
- packaging
- waste minimisation
- waste disposal
- waste generated by customers.
- Provision of adequate measures to minimise the environmental impact of the proposed operation
- The offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution.
- Those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

1.7

### **Contribution.**

The applicants offer will need to positively enhance the contribution in the local area. This may be by offering products not currently available or by providing greater choice for consumers. Preference will be given to those who are resident in the local area and those offering local products.

2.0

### **Street Trading in the Arun District**

2.1

At the time of writing this policy, there is limited Street Trading activity within the District. This is because there have been significant changes to the area since Street Trading Designations were last considered and adopted in 1987. Some areas where persons wish to trade are not currently controlled. This can result in offerings being clustered or traders placing themselves in areas that are not appropriate. For example, the Council has received complaints regarding obstruction where traders have placed themselves in unsuitable locations within the undesignated areas.

2.2

There are currently a few traders operating under consents in Bognor Regis and Littlehampton town centres. There is a Farmers Market in Arundel operating once

a month and weekly general markets operating in Bognor Regis and Littlehampton.

- 2.3 The pandemic situation has seen an increase in demand for Street Trading provision across the Arun District and further afield. Street Trading brings vibrancy to an area and increases footfall which in turn benefits other local businesses. Street Trading also provides a springboard for start-up businesses as well as providing expansion opportunities for existing local business, something which has generated interest within the area. Street Trading will also provide more consumer choice enhancing the attractiveness of an area to visit.
- 2.4 Persons with an interest in starting a regular or pop up market within the District are advised to contact the licensing team with their proposals in the first instance [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk).
- Those wishing to run markets which showcase products of local businesses, as well as community led markets and those wholly for the benefit of charities would be of particular interest.
  - A similar principle applies to car boots sales which promote sustainability and reuse of products.
  - It is recognised that markets compliment and bring benefit to social, cultural, religious, and charitable events as markets being standalone events in themselves.
  - Markets could be hosted in areas of the district outside the town centres.
- 2.5 Special fees will apply for those operating a market or event on a non-profit basis. The operator if requested will need to provide relevant proof to the council that the special fees should apply. It is recognised that some traders will sell goods for their own purposes, but there will need to be a strong charitable element to the market or event. The same will apply to a single charity stall applying for an occasional street trading consent. All other requirements in relation to the application and Street Trading conditions remain.
- Any trading taking place by members of a travelling fair will not require a street trading consent. Those that are not part of the travelling group but involved in the event will still require a consent.
- 2.6 As well as making provision for food traders, we recognise that arts and crafts offerings would make a very positive contribution to the local area in a street trading context, for the benefit of local persons as well contributing to the tourist economy providing choice for those visiting the area and wishing to purchase locally made products. As well as providing opportunities for new business, this could assist existing businesses to exhibit their offerings in areas with more tourist footfall.
- 2.7 As well as identifying areas for individual Street Traders, the Council will seek to identify suitable areas for clusters of short term 'pop up' traders so small events or similar may be facilitated. Those with ideas are invited to contact [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) to share proposals for consideration.
- 3.0 **Street Trading Consent Areas**

3.1

Every street in the Arun District is designated as a consent street for Street Trading except for prohibited streets which are listed below (see 3.5) and the following areas (which are undesignated) The areas of land listed below are controlled by the Parks & Greenspace and Property & Estates who consider requests for trading and events at these locations.

:

- Parks and greenspaces
- Place St Maur
- Jubilee Gardens
- All promenades within the district (the roads alongside are designated).

If a landowner gives their permission for a trader to operate on their private land, consent is not needed from the council (unless a sale takes place onto the highway). If food is sold, the business should still be registered with the Food Team and planning permission may be required.

3.2

We will provide a mapping layer on our website detailing undesignated areas together with details of prohibited streets and locations as identified suitable for Street Trading. The information will be updated from time to time as may be required.

3.3

We will advertise Street Trading opportunities via our website. We will consider applications outside of this scope but generally will only grant permission where we have identified that a requirement exists that is likely to enhance the contribution in the local area. Those persons interested in Street Trading in other areas are advised to contact a licensing officer for discussion in the first instance. See **Appendix 1** for details of areas identified as suitable for Street Trading.

3.4

Arun District Council has not designated any areas as licence streets, only consent Streets (unless prohibited).

3.5

***Prohibited Streets***

The table below lists streets and areas where street trading is not permitted at any time. Streets have been designated prohibited for several reasons including accessibility and the placing of Street Traders would likely cause a nuisance or obstruction or cause a nuisance to residences.

<b>Town</b>	<b>Prohibited Street</b>
Arundel	Maltravers Street Mill Lane Queen Street
Bognor Regis	Aldwick Road (West Street to Silverston Ave) Bedford Street Belmont Street Charlwood Street

	Nyewood Lane Park Road Victoria Drive Canada Grove Chapel Street Clarence Road Crescent Road John Street Lennox Street Lyon Street Lyon Street West Manor Place Market Street Norfolk Street Queensway Richmond Road Sadler Street Spencer Street Station Road Steyne Street Sudley Road Sussex Street West Street The Beach
Ferring	The car park known as The Bluebird car park.
Littlehampton	Beach Road Coastguard Road East Street (between High St and Avon Road) South Terrace Surrey Street Terminus Road (between Terminus Place and Arundel Road) Windmill Road The Beach
Pagham	Cardinals Drive The Causeway Church Way Kings Drive

3.6

**Concession areas**

Those wishing to trade on Arun District Council land maybe required to apply for a concession or land use licence. These permissions are administered by the Property and Estates team who operate under separate terms and conditions. See [www.arun.gov.uk](http://www.arun.gov.uk) for further details. The sites that traders will need to contact the Property and Estates team about include:

- Promenades
- Place St Maur, Bognor Regis
- Jubilee Gardens, Arundel



4.0

### **Individual street trading pitches**

4.1

Provision for individual trading pitches will be made and then advertised via the Street Trading pages on the council's website [www.arun.gov.uk](http://www.arun.gov.uk). Types of units that may be placed upon pitches are as follows.

4.2

**Mobile units.** This is suitable for sales from vehicles such as:

- artisan food offerings
- healthy food
- coffee/drinks
- ice cream vans (unit specifications do not apply to traditional units).

Mobile street trading is only permitted at specific locations and is set up to maximize flexibility for traders. Applicants may be offered different pitches and different times dependent on surrounding factors such as availability of products from nearby businesses and what is considered to enhance the offering in a specific area as well as public footfall. Existing consent holders that are allocated a pitch may contact licensing officers to determine if there is alternative availability for pitches at short notice if required, for example should weather conditions prevent them from trading from an agreed location. Alternative pitches however will be only subject to availability. Further details of unit specification are at **appendix 3**.

Mobile street traders may only operate one vehicle under one consent. Any additional vehicles must be registered under a separate consent. The same principle applies to static sites with one consent required per vendor.

4.3

**Static units.** This is for trading from a fixed position where a trader does not have a mobile unit. Typically, permission will be granted for an area 3 metres x 3 metres which should be covered by a gazebo (see **appendix 4** for details).

4.4

4.5

The same pitch may be allocated to different traders on different days and times dependant on the needs of traders and demand from customers.

5.0

### **Markets and events**

5.1

There are three existing markets within the district which are authorised by an Operator Consent. Further opportunities for market operators will not necessarily be advertised, however those who believe they may have identified opportunities for regular markets, events or special occasions should contact [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) for discussion.

5.2

Events applications will be considered on submission at the instigation of an event organiser – that is the proposed operator. **Applicants should contact a licensing officer for discussion prior to submission of an application.**

5.3

An Operator Consent will be required for 5 or more pitches. Less than 5 pitches must be consented by each individual applying for a consent for each individual pitch. An Operator Consent will be obtained by an operator who has agreed with the Council a fully documented operational plan that will incorporate all the terms and conditions of the consent.

5.4

Operators must ensure that all stallholders, volunteers and employees comply with the terms of this policy, including in relation to safeguarding.

5.6

Officers may attach additional conditions to consents as they deem necessary.

5.7

Mobile and static stalls may be used in markets subject to any vehicle and other restrictions and subject to officer approval.

5.8

Officers will issue conditions on consents for markets that are bespoke to the setting in addition to standard conditions.

5.09

Whilst Operator Consents are in operation, any other consents within that footprint will be suspended.

6.0

#### **Food and drink trading**

6.1

Applicants who trade in hot or cold food must be able to demonstrate a good understanding of food safety and hygiene. They must be registered as a food business with the relevant local authority. As a minimum, food handlers should hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 4 will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met- the business that demonstrates the highest compliance with the Food Hygiene Rating Scheme award is likely to be selected.

6.2

Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – Healthy eating scheme. Where more than one food trader is seeking to operate from the same location, and all other criteria has been met- the business that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. For more information visit [www.arun.gov.uk](http://www.arun.gov.uk)

6.3

If food is to be sold, all applicants must register their business with the Council's Food Safety Team. This also includes traders on private land <https://www.arun.gov.uk/food-premises-registration>

7.0 **Restricted goods**

7.1 Some goods must not be sold or provided with a purchase. A schedule of goods is attached as **Appendix 7**. This schedule may be varied from time to time. A trader may apply in writing for an exemption to specific items in this schedule. This must be approved by an officer and the relevant exemption added to the consent prior to any good being stocked on site, provided or sold. If traders are in any doubt regarding restricted goods, they must contact an officer for advice.

8.0 **Street Trading Consents and duration**

8.1 There are different consents available which vary in duration.

8.2 **Annual Street Trading Consent**

This consent lasts up to 12 months (but expiring 31 March each year) and enables a trader to trade up to 7 days a week (within specified times) at a specified pitch with a specified trading unit or stall within the financial year. This type of consent will not be granted for a period of less than 4 weeks. This consent may be issued for a single pitch only. Additional consents will be required for additional pitches and trading units. If applicants only intend on operating during a specified period of the year, they must specify this at the time of application. A pitch left vacant when it should be in use could result in the consent being revoked.

8.3

8.4 **Occasional Street Trading Consent**

This consent lasts for up to 30 specified days at a specified pitch. This consent may be issued for a single pitch only. Additional consents will be required for more than one stall or mobile unit.

8.5

8.6 **Occasional Markets and events trading Consent**

This consent may be used where street trading is taking place as part of an event, or is a one-off event of its own, such as a specialist one off market. The consent may be issued for up to 4 consecutive days. Such consents may be used to support events organised by community groups.

8.7 **Regular Markets Consent**

Market Operators holding markets (more than 5 stalls) on a regular basis will be required to apply for a consent. This consent lasts up to 12 months (but expiring 31 March each year). The charging structure makes provision between monthly markets and those held at a greater frequency.

8.8 **All consent holders are required to notify the licensing team if they do not intend to trade, or do not trade for any reason.**

8.9 Road closures may be required in some circumstances relating to markets and events to ensure the safety of those attending. It is the responsibility of the consent holder to gain the permission required.

8.10 The Street Trading year runs from 1 April until 31 March with annual consents expiring 31 March each year.

10.0 **Days and Hours of trading**

10.1 When considering hours of operation, regard will be given to the use of neighboring premises and particularly residences.

Consent holders will need to always use the consent for the days and times which it is granted. The council must be notified in advance if the consent is not going to be used on any occasion.

11.0 **Applications**

11.1 The street trading year runs from 1 April until 31 March each year. Consents can only be issued for a maximum of 12 months.

11.2 When pitches are available they will be advertised at [www.arun.gov.uk/other-licences](http://www.arun.gov.uk/other-licences) . Applications will be invited during a specified time. Persons wishing to trade on an existing market should contact the relevant operator. Please see our web pages for details.

11.3 Articles to be sold by the trader must be clearly detailed on the application form. Words such as 'miscellaneous', 'homeware', 'hardware', 'food and drink' and 'brick-a-brac' etc will not be accepted. Please note **appendix 7** of this policy provides outline details of goods that are prohibited from sale.

11.4 The website page will detail what information needs to accompany an application. This will include:

- details of the site that the applicant wishes to trade
- operating days and hours
- photographs of units or stalls that comply with the specifications set out in this policy
- details of items to be sold etc.

11.5 Applicants will be asked to sign a self-declaration relating to criminal convictions.

- 11.6 Applications will be considered by officers after consultation with Sussex Police, West Sussex County Council Highways and Environmental Health (the full application details will be shared with the authorities). Consideration will be given to criminal convictions in line with the conviction's information at **Appendix 6** and the applicant being able to demonstrate they have considered safeguarding matters.
- 11.7 Comments made by the consultees during the consultation period will be considered by officers. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy. Each application will be decided on its own merits.
- 11.8 Where more than one application is received for an available site, account will be taken of the steps to promote the 'Purposes' outlined in this policy together with the suitability of the proposal. A pitch will be allocated to the applicant who most closely meets the requirements of the policy and additional information detailed during advertising. (**Appendix 8**) Applications will be scored in cases where several applications are received. If alternative pitches are available for additional applicants and they meet requirements, these pitches will be offered.
- 11.9 An applicant will be invited to submit accompanying documents such as insurance, photo ID and a photograph when it is confirmed a pitch may be allocated to the applicant. A consent will not be issued until a licensing officer has verified and accepted the documentation required and payment is made.
- Photographs and dimensions must be provided with all new applications and requests for approval for changes to or replacement of a stall or vehicle.
- 11.10 When requested, public liability insurance of a minimum of £2m must be at least third-party cover and **must** be in the Applicant's name. In addition, market operators and event organisers must hold coverage.
- 11.11 Officers may request to see evidence of a waste collection contract if appropriate prior to granting a consent.
- 11.12 Additional conditions may be attached to Consents by officers in the interests of ensuring the Principles of this policy are promoted. Officers may vary the conditions of a Consent at any time.
- 11.13 Street Trading Consents can be paid for in full or by quarterly payments. If payments are not made by the date requested the consent will be revoked immediately.

- 11.14 There will be no transfer of consents, no joint consents, preference will be given to local residents and businesses in accordance with the criteria set out in 'Purposes' and consents will be issued not exceeding 12 months.
- 11.15 Consents are only considered granted when they have been approved and payment due has been received.
- 12.0 **Renewals**
- 12.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent. A renewal application may be refused if the renewal application is made late or if payment is outstanding.
- A renewal may be refused if the application is not made in line with the application requirements of this policy or if there have been incidents of non-compliance, complaints, fees remain unpaid or any other matter relevant to the renewal application.
- 12.2 If the consent is refused or not renewed, the pitch will be advertised as available for applications.
- 12.3 Those attempting to renew less than 21 days before expiry will be treated as new applicants and scored alongside other applicants where more than one application is received. This process may result in the pitch being awarded to another applicant.
- 13.0 **Surrender of a consent**
- 13.1 Where the trader wishes to surrender their consent they must give the council 28 days (unless otherwise agreed) in notice in writing to [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk)  
All documentation and identification must be returned to the council.
- 14.0 **Enforcement**
- 14.1 Officers conduct compliance checks as well as responding to specific complaints to check adherence to conditions and conduct of those operating under Street Trading Consents. Visits may be multi agency and are not always announced. Authorised officers may ask for documentation to be produced.
- 14.2 Complaints are investigated and handled according to their severity. Food hygiene complaints will be dealt with by Environmental Health Officers.
- 14.3 Generally, a staged approach will be taken when addressing issues beginning with education, prior to issuing warnings and then considering other action. However, for very serious offences where there is a need to

protect public safety, to prevent crime or disorder, or the reputation of the council, revocation will be considered in the first instance.

14.4 Refusals and revocations may be undertaken with the oversight of the Licensing Manager taking into consideration the factors outlined in this policy. Applicants and consent holders will be notified of decisions taken in writing accompanied by reasons for the action being taken.

14.5 Consents may be varied or revoked at any time. Consent holders will be notified in writing and reasons will be given for the action taken. It should be noted that aggrieved consent holders have no right of appeal against the council's decision. Reasons for revocation may include but are not limited to non-payment of fees in relation to the consent or conditions attached to it, the consent holder is unsuitable to hold the consent or there are changes in circumstances which have resulted in insufficient space for continued trading without causing undue interference or inconvenience to persons in the street.

14.6 If street trading takes place on a prohibited street or without permission on consented streets, then enforcement action may be considered in line with the Enforcement Policy for Environmental Health, Private Sector Housing, Licensing & Cleansing which can be found on the council's website at [www.arun.gov.uk](http://www.arun.gov.uk) .

#### 15.0 **Transitional Arrangements**

15.1 Markets and events will be required to operate in accordance with this policy from of not more than three months after it becomes effective. Any existing consents will be revoked and a partial refund will be given after any costs incurred by the Council have been accounted for.

15.2 Existing single pitch Consent holders (this by nature excludes markets) will be able to renew their consent if their offering is at odds with the requirements of this policy. This is to protect the livelihood of existing traders in the local area. If any period of authorisation is interrupted, then the trader will need to fully comply with the terms of this policy and make a new application.

15.3 All new applicants must make applications in line with the requirements outlined in this document from the time it becomes effective.

#### 16.0 **Pedlars Licences**

16.1

Sussex Police issue Pedlars Certificates. The sale of food under these Certificates is prohibited. Although permitted in the town centres, only small trays/barrows etc. are permitted and Pedlars must always be mobile. For further information please contact the Police Licensing Unit on 101.

17.0

### **Planning**

17.1

A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it may not require a street trading consent but may require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependent on the amount of time and days that the unit is located at the site. Please contact the Planning department for further advice [planning@arun.gov.uk](mailto:planning@arun.gov.uk) or refer to [www.arun.gov.uk](http://www.arun.gov.uk) . If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

18.0

### **Tables and chairs**

18.1

Applications for tables and chairs for units providing food and/or drink are required and will be considered by the council. Please refer to Pavement Licensing and / or Part 7A of the Highways Act 1980 on the Council's website.

19.0

### **Social media**

19.1

Arun District Council supports the use of social media and recognises this is a valuable tool in reaching audiences and promoting business. Freedom of speech must be exercised responsibly on social media sites. The following guidance is designed to assist with constructive use of platforms.

- Ensure that you are providing accurate information so that you are not misrepresenting yourself, someone else or the District. Sticking to the facts is always safer than providing opinion.
- Respect your audience, your colleagues, other businesses in the area and the council. Take care not to engage in any conduct that would not be acceptable in the workplace.
- Consider the image you want to portray to the public. Be mindful that what you post may be viewed by traders, customers, colleagues, elected members and both the local and wider communities, and may stay public for a long time.
- Remember that there may be consequences to what you post, so consider your content carefully. If you are about to



post something that makes you the slightest bit uncomfortable, take a moment to consider if the best thing to do would be not to post your comments.

20.0 **Information Sharing**

20.1 Arun District Council may disclose activities and personal details of Applicants, Street Trading Consent holders, their employees, stall holders or volunteers to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies (as well as internal council departments) and those who may require the information in connection with civil court action. To comply with the proceeds of crime act (POCA) information may be shared with third parties who have a legal right to such information including HMRC and the National Crime Agency. We will also share personal information relating to complaints (including complaint and intelligence details if we believe it is relevant to other authorities). We are obliged to report information regarding details of street traders periodically for fraud, other crime and other purposes. This includes personal details.

**Appendix 1: Street Trading identified locations and concessions areas (subject to change)**

<b>Town</b>	<b>Street</b>	<b>Purpose</b>	<b>Restricted Areas &amp; other info.</b>
Arundel	High Street (from Mill Road to Tarrant Street)	Farmers market Events Special Occasions	
	Mill Road	Mobile Events Special Occasions	
	River Road from High Street to the access to Crown Yard	Farmers Market	
	Tarrant Street (High Street to Brewery Hill)	Events Special Occasions	Access to residences must be allowed.
	Town Quay	Events Special Occasions Static	
	The Esplanade	Mobile Events Special Occasions	For applications on the south side, situation of concessions needs to be considered in relation to placement of Street Traders.
	High Street	Special Occasions Events	
	London Road	Markets	

	(pedestrian precinct from south end of London Road to Bedford Street only)	Events Static x 2 Mobile	
	The Steyne (south side only)	Events Special Occasions	
	Waterloo Square (outside perimeter)	Events Special Occasions Mobile Static	
Ferring	Marine Drive	Mobile	
Littlehampton	Banjo Road	Mobile Static Events Special Occasions	
	Clifton Road (Arcade Road to High Street)	Events Special Occasions	
	Duke Street (St Martins Road to High Street)	Events Special Occasions Markets	
	High Street	Events Special Occasions Markets	
	New Road	Events Special Occasions	
	Pier Road	Events Special Occasions	
	St Martins Lane	Markets Events	

		Special Occasions	
	Junction of Sea Lane and Sea Road (Rustington)	Mobile	
Pagham	The Parade	Mobile	

**Consent holders must ensure that any relevant parking restrictions are complied with and applications must take maximum time of stay into account where it applies. This may include purchasing of parking tickets. An officer can advise.**

## Appendix 2: Street Trading Conditions

### Standard Conditions for Street Trading – **individual consents**

#### Definitions:

Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	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
'Consent Holder'	means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street
'Consent'	means a Consent granted by Arun District Council in respect of street trading
'Employee'	means a person working for a Street Trading Consent Holder
'Authorised Officer' or 'Licensing Officer'	an Officer employed by Arun District Council and authorised by

'Licensing Manager'	the Group Head of Technical Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982
'Serious Misconduct'	means the Operational Manager within the Licensing Unit Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

1. A copy of the consent must be displayed prominently on the unit or stall at the street trading site and the trader or his employees shall produce it whenever required by an authorised Council Officer or Police Officer. The Trader and any employees shall always whilst trading, setting up and clearing down wear in a prominent position an identity badge provided by the Council.
2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.
3. The consent holder shall trade in compliance with the consent and must not digress e.g. affixing barriers or advertising etc. that has not been specified in the consent.
4. All signs placed on display in connection with the units must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
5. The consent holder will comply with all legislation, regulations or bye laws made and for the time being in force.
6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to Health Regulations 2002 and the Health and Safety at Work Act 1974 in relation to the sale of goods or provision of services from their unit.

7. The goods, articles or products, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Arun District Council.

8. The trading unit or stall must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Arun District Council.

9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that they may employ any other approved person to assist them in trading without a further consent being required. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.

10. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

11. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder. Employees must be aged 17 or over (18 or over if alcohol is to be sold).

12. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions. Consent holders are under a duty to bring the Conditions to the attention of their employees.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause or surrendered by the consent holder at any time.

14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

15. The consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

16. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, 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 a review of the consent by the Licensing Manager or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.

17. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.

18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent. Failure to do so will result in consent fees remaining payable.

19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

20. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.

21. This consent will be suspended if a consent issued to an Operator is in operation and the pitch is within the footprint.

There must be a minimum of 2 metres of unobstructed footway to allow passing space.

### **General Conduct**

22. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit. No goods shall be hung from canopies or be placed on the ground.

23. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.

24. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.

25. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

26. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.

27. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.

28. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Licensing Manager or other senior authorised officer potentially leading to revocation.

29. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Arun District Council Licensing Officer or Sussex Police Officer.

30. Traders are not permitted to purchase goods from the public whilst operating under a street trading consent or occupying a pitch.

### **Protection of Young People**

31. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).

32. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

33. If alcohol is sold at a pitch, no employee may be under the age of 18.

### **Trading Unit Compliance**

34. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of the Council and as stipulated by the consent and design brief. A high standard of presentation and appearance will be expected to be maintained.

35. Any replacement or new units or stalls must be approved by the Council prior to being purchased.

36. The trading unit will comply in all respects with any legal requirements relating to the activity proposed.

37. The trading unit shall be of a high-quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

38. The quality and appearance of the trading unit must be maintained at the standard approved in the original consent.

39. The trading unit will be of a mobile type and must be removed daily after trading has ceased unless previously authorised by a Licensing Officer. It must not cause damage to the street or endanger persons using the street. Stalls must be removed at the end of each day.

### **Health & Safety**

40. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.

41. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.



42. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

43. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.

44. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.

45. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

### **Advertisements / Signage**

46. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

47. Advertising should only relate to goods offered for sale on that pitch.

48. Illumination of advertisements on the outside of the unit not permitted.

49. The use of 'A' boards and any other display board/structures are prohibited.

### **Waste Management**

50. The consent holders shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.

51. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

### **Additional Requirements for Food Operations**

52. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.

### **PLEASE NOTE:**

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

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 circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

**Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent**

#### Standard Conditions for Consents issued to Operators

##### Definitions:

Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	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
‘Consent Holder’	means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street
‘Operator Consent’	means a Consent granted by Arun District Council in respect of street trading for trading in an area comprising five or more pitches.
‘Employee’	means a person working for a Street Trading Consent Holder
‘Authorised Officer’ or ‘Licensing Officer’	an Officer employed by Arun District Council and authorised by the Group Head of Technical

'Licensing Manager'	Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 means the Operational Manager within the Licensing Unit
'Serious Misconduct'	Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

1. The number of stalls shall not be more than that stated on the application.
2. The market must be laid out in accordance with the plan agreed by a licensing officer.
3. The name of the consent holder shall be displayed in a conspicuous position on the stall and a copy of the consent carried at all times during trading. The consent holder shall produce the consent when requested by an authorised officer licensing officer or a police officer.
4. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.
5. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, 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 a review of the consent by the Licensing Manger or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
6. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.
7. Prior to stallholders trading, the Operator must obtain a self-declaration from each stall holder in relation to the convictions guidelines and safeguarding guidance within the Street Trading and Markets Policy.

8. No unit shall exceed the size agreed by a licensing officer.
9. No unit used in connection with trading shall obstruct access to doors into buildings, driveways, footpaths or passageways leading to buildings, or parts of buildings unless the stall or structure is easily portable by not more than two people (or by the consent holder alone if trading without assistance).
10. No stall(s) or structure(s) shall obstruct fire hydrant pit(s) or adjacent plate(s).
11. No stall(s) or structure(s) shall be placed to obstruct access/egress to or from any premises.
12. No stall(s) or structure(s) shall be so placed as to obstruct any designated emergency vehicle access point or route.
13. The layout of stall(s) shall not hinder easy access to or from any premises.
14. The layout of the stalls shall not cause undue interference or inconvenience to persons using the street or otherwise.
15. Loudspeakers, amplifying equipment or other such equipment shall not be used.
16. The stall holder or their representative shall not cause a nuisance by touting or calling out to attract customers to their stall.
17. The stall holder or their representative shall not use language or words which may cause offence to members of the public or other stall holders.
18. No trading shall be carried out from the ground (e.g. from a mat, blanket or similar, placed on the ground) without prior agreement from an authorised licensing officer.
19. All goods to be traded within the curtilage of the units and all gangways and walkways must remain clear of any obstructions and tripping hazards.
20. The type of goods to be sold shall be as per the application. Any changes to the goods being sold shall be agreed with the council prior to their sale.
21. All signs placed on display in connection with the units or a market must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
22. The appearance and design of units shall be subject to prior approval of licensing officer in accordance with policy specifications (i.e. uniform colour, look, canopy, etc).
23. All refuse or litter accumulated in the course of trading shall be removed from the site at the end of the day's trading and disposed of properly in accordance with the requirements of the Environmental Protection Act 1990.

24. All food stall holders shall comply with the Food Safety Act 1990, The Food Hygiene (England) Regulations 2006, Regulation (EC) No. 852/2004, Regulation (EC) No. 178/2002 and the Health & Safety at Work etc. Act 1974.
25. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.
26. Employees must be aged 17 or over (18 or over if alcohol is to be sold).
27. Public liability insurance to the minimum level specified in the schedule must be taken out by the consent holder and be maintained at all times of trading.
28. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.
29. There must be a minimum of 2 metres of unobstructed footway to allow passing space.

**PLEASE NOTE:**

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

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 circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

**Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.**

### **Appendix 3** Street Trading Design Brief for Mobile Trading Units (not applicable for markets and events)

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

#### Unit proportions

The external height of the unit must not exceed 2.6 metres

External size of the units must not exceed 2.3 metres x 4.9 metres

These dimensions do not include a tow bar.

It is recognised that units may not be a uniform shape and uniqueness is supported but will generally only be considered if the unit is within the proportions outlined above and compliant with the other conditions outlined in this design brief.

This design brief gives a maximum size (to accommodate standard food trailers), however applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.

Additional consideration will be given in relation to food units/trailers where a food trader can demonstrate that:

(a) the design brief size requirements would be inadequate for the technical operation of their business which would otherwise be granted a consent and;

(b) that the location in question can support a larger unit, then the council may consider some modifications of the design size requirements.

### **Design and Colour**

Units must be of a high-quality design that complements and enhances its surrounding environment. The proposed unit design must be agreed by Arun District Council. (It is suggested traders do not purchase a unit until the proposed design has been agreed).

The colour of the unit must be approved by Arun District Council. Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

### **Signage**

Signage must be painted (or attached via vinyl sticker) onto the trailer / stall. No other signage can be utilised by traders (such as hanging, floor sited A boards, etc)

Graphics must directly relate to the business. Temporary signage or product pictures are not permitted on any elevation and must be contained on the product/menu board or within the trading unit.

Product/menu boards must be sited internally or on shutters.

All signage designs must be approved by the Arun District Council as part of the street trading consent application process.

### **Siting of stock & trading area**

Goods cannot be displayed outside the areas of the unit e.g. via stands or similar, externally hung on the unit, sited on the public realm around the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g., tiered shelving for flowers)

### **Canopies**

No goods can be hung or displayed on or from the canopy.

Canopies should only be located on the serving or opening size of the unit, for shading/sheltering purposes only.

Canopies should not project any more than 1 metre from the unit.

The colour of canopies must complement or be the same, as the unit colour. The design and appearance of the canopy must be approved by Arun District Council as part of the wider unit design.

### **Waste**

Commercial waste must be stored within the stall / trailer.

Food stalls should aim to have a public waste bin sited next to the unit. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

### **Appendix 4 Street Trading Design Brief for Static Stall Units**

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

### **Stall Proportions**

The stall will not exceed the size of 3 metres x 3 metres.

### **Design and Colour**

The stall will typically be covered by a standard gazebo of the above proportions which will be white or blue in colour, or both.

### **Signage**

Any signage must be relating to the business only and must be kept within the confines of the stall. No A boards or similar are permitted to be used.

### **Siting of stock & trading area**

No goods may be displayed on the ground. No goods may be displayed outside of the confines on the stall.



## **Waste**

Commercial waste must be stored out of sight of the public.

Food stalls should aim to have a public waste bin sited next to the stall. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

### **Appendix 5** Street Trading Design Brief for Units Trading under an Operator held Street Trading Consent.

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

Where pitches are marked out, units and all items must be kept within the markings.

Within markets (to include markets at events), traditional timber stalls, stalls constructed of a metal frame and gazebos are preferred. It is preferred that a visually consistent approach is applied by having a co-ordinated appearance. Preferred colours are blue, white or both (i.e. traditional stripes). There must be a valance from tabletop to ground to cover stock, equipment and refuse under stalls whereby it would usually be exposed.

Any tarpaulins, awnings etc. should be safely and neatly secured.

Waste must be kept under the stall out of sight. Pitch sizes may be varied by a licensing officer in line with the authorisation procedure.

Generally, any trading from vehicles will only be permitted from pitches ends of markets or from a zone dedicated to such a purpose i.e. a cluster of vehicles located together for provision of food or drink. Any vehicles should be appropriate for their

prominent position and their appearance and size should not be visually damaging, over intrusive, or physically obstructive to the surrounding.

Applications will be considered for tables and chairs on markets where these are associated with provision of food and/or drink. Details of Pavement Licensing can be found on the council's website [www.arun.gov.uk](http://www.arun.gov.uk)

## **Appendix 6 Safeguarding and Convictions Guidelines**

### **Safeguarding**

All Consent holders have a responsibility to and must consider the safeguarding of young and vulnerable persons in relation to Street Trading activity. Safeguarding is wide ranging and includes protecting children and young persons from harmful products to human trafficking and exploitation and being aware of the signs of activity considered to be harmful. An example could be the well-publicised impact of placing fast food near to schools. The authority also considers that persons that have been convicted of some criminal convictions may not be suitable for Street Trading for reasons which include safeguarding vulnerable persons. Further details are outlined below.

Considerations which should be included, but not limited to are detailed as follows:

A Street Trading Consent will only be issued to those aged 17 years or older. Further, only those aged 17 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.

Where alcohol is sold or supplied, the minimum age for working at a unit or stall is 18.

Proof of age policies must be implemented in relation to age restricted products and details of such policies should be advertised on signage.

Street Trading pitches will not normally be allocated within 50 metres of schools or establishments primarily for the use of young or vulnerable persons.

There have been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority Arun District Council has a duty to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited.

If you have concerns that a child you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

If you have concerns that an adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

Important Contact Details:

*Sussex Police: 999 (urgent) or 101 (non-emergency)*

*Change Grow Live (CGL): 01243 830195 (Drug and Alcohol community team)*

*NSPCC: 0800 800 5000*

*Sussex Mental Health Helpline: 0300 500 0101*

*MIND Coastal West Sussex: 01903 721893 (Littlehampton office)*

*Samaritans: 116 123*

*Stepchange: 0800 138 1111 (Money advice and debt helpline)*

*Worth Domestic Abuse Service: 0330 222 8181 or send a referral by email to [worth.idva.services@westsussex.gov.uk](mailto:worth.idva.services@westsussex.gov.uk)*

### **Convictions**

Applicants are required to complete a self-declaration relating to convictions history. The authority will consider the following guidelines in relation to applications. Holders of Operators consents are also expected to apply the same guidelines to stallholders and volunteers.

General Principles:

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5

years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where an applicant has convictions. The guide is not intended to be exhaustive and officers will consider each application based on the circumstances:

#### Offences involving violence

It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

#### Drug- related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

#### Indecency offences

Applicants with recent indecency offences would normally be debarred.

#### Dishonesty

Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

### **Appendix 7 Restricted goods**

The following goods must not be sold or provided with a purchase:

1. Bladed articles and other offensive weapons (e.g. knuckle dusters, num chucks)
2. All types of corrosive products
3. Tobacco and tobacco related products
4. Vaping products
5. Items associated with drug use or could be perceived glamourize drug use
6. Sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
7. Secondhand jewelry
8. Plastic single use bottles
9. Real fur items or items from endangered animals
10. Plastic bags that are not compostable
11. Any other item that is considered unsuitable in terms of public safety or that may cause offence or may undermine the objectives of this policy.
12. No live animals may be sold, given away or used for demonstration or exhibition.

### Appendix 8 Scoring Criteria

Street Trading scoring matrix

Only complete applications will be considered.

Date:

Details of pitch advertised:

Officer undertaking review:

Applicant	Able to trade on times/days advertised	Meets requirements /spec advertised/ EOEW	Public Safety	Public Nuisance	Appearance	Public Order	Placement of traders	Environmental Sustainability	Contribution	Comments	Mean score
	Y/N	Y/N	*****Score out of 10*****								

## Arun District Council Street Trading and Markets Policy

Street Trading and Markets in Designated streets within the Arun District are managed in accordance with this Street Trading and Markets Policy. The Council approved this policy which came into effect on XXXXX. Minor changes to the policy may be made by officers in consultation with the Licensing Committee Chairman and the Group Head of Technical Services. Such changes will be added to an amendment log below prior to republishing. Examples of minor changes would include amendments to correct any administrative errors, inconsequential changes to make clarifications and changes to include any relevant factors with interacting legislation such as pavement licensing or planning.

The original controls were adopted under the terms of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and came into effect on 1 April 1987.

Version number XX

### Amendment Log

Paragraph number	Amendment	Date

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## **Introduction**

Arun District Council (herein referred to as the Council) recognises that Street Trading brings vibrancy to the area and provides employment, opportunities for startup businesses to flourish as well as allowing current businesses to diversify and expand by utilising Street Trading opportunities. It also makes a visible and direct contribution towards regeneration and improvement to the character of the area. Increased presence of the public drives down incidences of anti-social behavior and makes an area more welcoming.

Street Trading also provides opportunities for community groups and charities to generate income as well as providing opportunities to integrate people into the local community via provision of pop-up and regular events where people may congregate to eat, purchase products and visit other local businesses. Street Trading provides an effective way of increasing footfall thereby providing a boost to the local economy.

It is recognised that the demand for Street Trading has increased significantly as activities being undertaken outside have become more favourable for vendors and consumers.

A council may designate areas for Street Trading as well as prohibiting trading in certain places. Prohibited areas may be designated because of concerns over potential nuisance or obstruction of narrow areas for instance. The Council has reviewed and amended Street Trading designations within the area as detailed in section 3 of this policy. The Council has also amended the designation of prohibited streets and removed the designation of licensed streets. The Council operates certain areas as concessions which are administered outside of the Street Trading regime and this Policy. Reference is made to concessions within this policy to assist understanding of what permission may be needed to trade within the district.

Where further Street Trading opportunities are identified as suitable for the area, the relevant appendices to this document will be updated. There are, for example, numbers of small business owners across the South Downs National Park (SDNP) area who produce wonderful products and provision should be made to showcase and sell these locally reducing food mileage and carbon footprint.

If a person wishes to trade on the streets or hold a market on a designated street, or a market as part of an event on the street, this document outlines policy and processes for obtaining consent. This document should be read in full prior to making an application. This policy outlines what types of permissions exist, what provision is made, and outlines requirements exist in relation to Street Trading and Markets within the District. It will provide prospective traders with an early indication if their application is likely to be granted or not together with details of what is expected of traders.

This policy will be kept under review but in any case, a maximum period of five years will elapse before it is reviewed and consulted upon regarding any proposed changes.

## Definitions

**'Consent Street'** means a street in which street trading is prohibited without the consent of Arun District Council.

**'Operator'** is the consent holder of a consent issued for 5 or more stalls for regular markets and Occasional Markets, events and special occasion trading activity.

**'Officer and Officers'** means an authorised Licensing Officer of Arun District Council

**'Pitch'** is a designated located from which street trading can operate.

**'Prohibited Street'** means a street in which street trading is prohibited.

**'Street'** includes (a) any road, footway, beach or other area to which the public have access without payment; (b) a service area as defined in the section 329 of the highways Act 1980, and also includes any part of a street.

**'Street Trading'** means, subject to Schedule 4 sub-paragraph 2 of the Local Government (Miscellaneous Provisions) Act 1982, the selling or exposing or offering for sale of any article (including a living thing) in a street; and "subsidiary terms", in relation to a street trading licence, has the meaning assigned to it by Schedule 4 paragraph 4(4) of the Local Government (Miscellaneous Provisions) Act 1982.

The following are **NOT** Street Trading: Para 1(2)(a)-(j)

(a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;

(b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.

(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;

(e) trading which—

(i) is carried on at premises used as a petrol filling station; or

(ii) 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 things, or offering or exposing them for sale, as a roundsman;

(g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;

(h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;

(j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

(3) The reference to trading as a news vendor in sub-paragraph

(2)(d) above is a reference to trading where—

(a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and

(b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—

(i) exceed one metre in length or width or two metres in height;

(ii) occupy a ground area exceeding 0.25 square metres; or

(iii) stand on the carriageway of a street.

**'Trading Unit'** may be a stationary van, car, barrow or other vehicle or a portable stall.

## 1.0 Principles

1.1 The Council will apply these key principles in the exercise of its Street Trading functions:

### 1.2 Public Safety

If the Street Trading activity is likely to represent a substantial risk to the public.

Factors considered will include:

- obstruction
- fire hazard
- unhygienic conditions
- danger that may occur when a trader is accessing the site

### 1.3 Public Order and Nuisance

If the Street Trading activity could cause disorder, nuisance, or annoyance to the public from matters including:

- noise
- light
- odour
- the behaviour of traders, particularly in residential or quieter areas

### 1.4 Appearance

The stall or unit must be maintained in good condition, be of a smart and presentable appearance and meet the specified criteria laid down in the standard Consent conditions (**see Appendix 3, 4 and 5** as relevant). The general appearance of the stall or unit will also be considered to determine that it will not detract from the appearance of the surrounding area. The operation must not adversely impact on the local environment by way of impact on street surfaces, street furniture and materials (for example, grease marks left on the road). It is recommended that enquiries are made with a licensing officer prior to the purchase of any vehicle or stall.

### 1.5 Location of Traders

The Council will consider what benefit a particular street trader will bring to the local area and to persons frequenting that area. This could change dependant on the time of year as much of the district's footfall changes due to people visiting the area. Some types of trading may better lend themselves to areas with consistent footfall throughout the year and be targeted for the benefit of local people. Some pitches may be placed in clusters to create an attraction (or as part of event) and some pitches may be placed with a view to seeking a specific type of offering to bring more footfall with an area with existent businesses providing a greater range of consumer choice. Markets are recognised as beneficial to local people, as well as providing opportunities for local businesses to trade, and for bringing more footfall to an area.

1.6

### **Environmental Sustainability**

The Council consider the impact of the proposed operation on the local environment including but not limited to:

- power supply
- carbon footprint
- supply chain
- low food mileage
- packaging
- waste minimisation
- waste disposal
- waste generated by customers
- Provision of adequate measures to minimise the environmental impact of the proposed operation
- The offering of alternatives to animal products, particularly in relation to food offerings, or the use of local animal products are considered to make a more positive contribution.
- Those that can demonstrate that they are contributing towards driving down carbon footprint and operating in an environmentally friendly manner will be viewed favourably.

1.7

### **Contribution**

The applicants offer will need to positively enhance the contribution in the local area. This may be by offering products not currently available or by providing greater choice for consumers. Preference will be given to those who are resident in the local area and those offering local products.

2.0

### **Street Trading in the Arun District**

2.1

At the time of writing this policy, there is limited Street Trading activity within the District. This is because there have been significant changes to the area since Street Trading Designations were last considered and adopted in 1987. Some areas where persons wish to trade are not currently controlled. This can result in offerings being clustered or traders placing themselves in areas that are not appropriate. For example, the Council has received complaints regarding obstruction where traders have placed themselves in unsuitable locations within the undesignated areas.

2.2

There are currently a few traders operating under consents in Bognor Regis and Littlehampton town centres. There is a Farmers Market in Arundel operating once a month and weekly general markets operating in Bognor Regis and Littlehampton.

2.3

The pandemic situation has seen an increase in demand for Street Trading provision across the Arun District and further afield. Street Trading brings vibrancy to an area and increases footfall which in turn benefits other local businesses.

Street Trading also provides a springboard for start-up businesses as well as providing expansion opportunities for existing local business, something which has generated interest within the area. Street Trading will also provide more consumer choice enhancing the attractiveness of an area to visit.

2.4 Persons with an interest in starting a regular or pop-up market within the District are advised to contact the licensing team with their proposals in the first instance [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk).

- Those wishing to run markets which showcase products of local businesses, as well as community led markets and those wholly for the benefit of charities would be of particular interest.
- A similar principle applies to car boots sales which promote sustainability and reuse of products.
- It is recognised that markets compliment and bring benefit to social, cultural, religious, and charitable events as markets being standalone events in themselves.
- Markets could be hosted in areas of the district outside the town centres.

2.5 Special fees will apply for those operating a market or event on a non-profit basis. The operator if requested will need to provide relevant proof to the council that the special fees should apply. It is recognised that some traders will sell goods for their own purposes, but there will need to be a strong charitable element to the market or event. The same will apply to a single charity stall applying for an occasional street trading consent. All other requirements in relation to the application and Street Trading conditions remain.

2.6 As well as making provision for food traders, we recognise that arts and crafts offerings would make a very positive contribution to the local area in a street trading context, for the benefit of local persons as well contributing to the tourist economy providing choice for those visiting the area and wishing to purchase locally made products. As well as providing opportunities for new business, this could assist existing businesses to exhibit their offerings in areas with more tourist footfall.

2.7 As well as identifying areas for individual Street Traders, the Council will seek to identify suitable areas for clusters of short term 'pop up' traders so small events or similar may be facilitated. Those with ideas are invited to contact [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) to share proposals for consideration.

2.8 Any trading taking place by members of a travelling fair will not require a street trading consent. Those that are not part of the travelling group but involved in the event will still require a consent.

### **3.0 Street Trading Consent Areas**

3.1 Every street in the Arun District is designated as a consent street for Street Trading except for prohibited streets which are listed below (see 3.5) and the following areas (which are undesignated) The areas of land listed below are controlled by the Parks & Greenspace and Property & Estates who consider requests for trading and events at these locations:

- Parks and greenspaces
- Place St Maur
- Jubilee Gardens
- All promenades within the district (the roads alongside are designated).

3.2 If a landowner gives their permission for a trader to operate on their private land, consent is not needed from the council (unless a sale takes place onto the highway). If food is sold, the business should still be registered with the Food Team and planning permission may be required.

3.3 The council will provide a mapping layer on [www.arun.gov.uk](http://www.arun.gov.uk) website detailing street trading areas of interest including details of prohibited streets and locations. The information will be updated from time to time as may be required.

3.4 The Council will advertise Street Trading opportunities at [www.arun.gov.uk](http://www.arun.gov.uk). It will consider applications outside of this scope but generally will only grant permission where it has identified that a requirement exists that is likely to enhance the contribution in the local area. Those persons interested in Street Trading in other areas are advised to contact a licensing officer for discussion in the first instance. See **Appendix 1** for details of areas identified as suitable for Street Trading.

3.5 Arun District Council has not designated any areas as licence streets, only consent Streets (unless prohibited).

3.6 **Prohibited Streets**

The table below lists streets and areas where street trading is not permitted at any time. Streets have been designated prohibited for several reasons including accessibility and the placing of Street Traders would likely cause a nuisance or obstruction or cause a nuisance to residences.

Town	Prohibited Street
Arundel	Maltravers Street Mill Lane Queen Street
Bognor Regis	Aldwick Road (West Street to Silverston Ave) Bedford Street Belmont Street Charlwood Street Nyewood Lane Park Road Victoria Drive Canada Grove Chapel Street Clarence Road Crescent Road

	John Street Lennox Street Lyon Street Lyon Street West Manor Place Market Street Norfolk Street Queensway Richmond Road Sadler Street Spencer Street Station Road Steyne Street Sudley Road Sussex Street West Street The Beach
Ferring	The car park known as The Bluebird car park.
Littlehampton	Beach Road Coastguard Road East Street (between High St and Avon Road) South Terrace Surrey Street Terminus Road (between Terminus Place and Arundel Road) Windmill Road The Beach
Pagham	Cardinals Drive The Causeway Church Way Kings Drive

3.7

**Concession areas**

Those wishing to trade on Arun District Council land maybe required to apply for a concession or land use licence. These permissions are administered by the Property and Estates team who operate under separate terms and conditions. See [www.arun.gov.uk](http://www.arun.gov.uk) for further details. The sites that traders will need to contact the Property and Estates team about include:

- Promenades
- Place St Maur, Bognor Regis
- Jubilee Gardens, Arundel

4.0

**Individual street trading pitches**

4.1

Provision for individual trading pitches will be made and then advertised via the Street Trading pages at [www.arun.gov.uk](http://www.arun.gov.uk)  
Types of units that may be placed upon pitches are as follows.

4.2

**Mobile units.** This is suitable for sales from vehicles such as:



- artisan food offerings
- healthy food
- coffee/drinks
- ice cream vans (unit specifications do not apply to traditional units).

4.3 Mobile street trading is only permitted at specific locations and is set up to maximize flexibility for traders. Applicants may be offered different pitches and different times dependent on surrounding factors such as availability of products from nearby businesses and what is considered to enhance the offering in a specific area as well as public footfall. Existing consent holders that are allocated a pitch may contact licensing officers to determine if there is alternative availability for pitches at short notice if required, for example should weather conditions prevent them from trading from an agreed location. Alternative pitches however will be only subject to availability. Further details of unit specification are at **appendix 3**.

4.4 Mobile street traders may only operate one vehicle under one consent. Any additional vehicles must be registered under a separate consent. The same principle applies to static sites with one consent required per vendor.

4.5 **Static units.** This is for trading from a fixed position where a trader does not have a mobile unit. Typically, permission will be granted for an area 3 metres x 3 metres which should be covered by a gazebo (see **appendix 4** for details).

4.6 The same pitch may be allocated to different traders on different days and times dependant on the needs of traders and demand from customers.

## 5.0 **Markets and events**

5.1 There are three existing markets within the district which are authorised by an Operator Consent. Further opportunities for market operators will not necessarily be advertised, however those who believe they may have identified opportunities for regular markets, events or special occasions should contact [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) for discussion.

5.2 Events applications will be considered at the instigation of an enquiry from an event organiser. **Applicants should contact a licensing officer for discussion prior to submission of an application.**

5.3 An Operator Consent will be required for 5 or more pitches. Less than 5 pitches must be consented by each individual applying for a consent for each individual pitch. An Operator Consent will be obtained by an operator who has agree with the Council a fully documented operational plan that will incorporate all the terms and conditions of the consent.

5.4 Operators must ensure that all stallholders, volunteers, and employees comply with the terms of this policy, including in relation to safeguarding.

- 5.5 Officers may attach additional conditions to consents as they deem necessary.
- 5.6 Mobile and static stalls may be used in markets subject to any vehicle and other restrictions and subject to officer approval.
- 5.7 Officers will issue conditions on consents for markets that are bespoke to the setting in addition to standard conditions.
- 5.8 Whilst Operator Consents are in operation, any other consents within that footprint will be suspended.

## **6.0 Food and drink trading**

- 6.1 Applicants who trade in hot or cold food must be able to demonstrate a good understanding of food safety and hygiene. They must be registered as a food business with the relevant local authority. As a minimum, food handlers should hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 4 will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met- the business that demonstrates the highest compliance with the Food Hygiene Rating Scheme award is likely to be selected.
- 6.2 Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – Healthy eating scheme. Where more than one food trader is seeking to operate from the same location, and all other criteria has been met- the business that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. For more information visit [www.arun.gov.uk](http://www.arun.gov.uk)
- 6.3 If food is to be sold, all applicants must register their business with the Council's Food Safety Team. This also includes traders on private land <https://www.arun.gov.uk/food-premises-registration>

## **7.0 Restricted goods**

- 7.1 Some goods must not be sold or provided with a purchase. A schedule of goods is attached as **Appendix 7**. This schedule may be varied from time to time. A trader may apply in writing for an exemption to specific items in this schedule. This must be approved by an officer and the relevant exemption added to the consent prior to any good being stocked on site, provided or sold. If traders are in any doubt regarding restricted goods, they must contact an officer for advice.

## **8.0 Street Trading Consents and duration**

- 8.1 There are different consents available which vary in duration.

- 8.2 **Annual Street Trading Consent**  
This consent lasts up to 12 months (but expiring 31 March each year) and enables a trader to trade up to 7 days a week (within specified times) at a specified pitch with a specified trading unit or stall within the financial year. This type of consent will not be granted for a period of less than 4 weeks. This consent may be issued for a single pitch only. Additional consents will be required for additional pitches and trading units. If applicants only intend on operating during a specified period of the year, they must specify this at the time of application. A pitch left vacant when it should be in use could result in the consent being revoked.
- 8.3 **Occasional Street Trading Consent**  
This consent lasts for up to 30 specified days at a specified pitch. This consent may be issued for a single pitch only. Additional consents will be required for more than one stall or mobile unit.
- 8.6 **Occasional Markets and events trading Consent**  
This consent may be used where street trading is taking place as part of an event, or is a one-off event of its own, such as a specialist one off market. The consent may be issued for up to 4 consecutive days. Such consents may be used to support events organised by community groups.
- 8.7 **Regular Markets Consent**  
Market Operators holding markets (more than 5 stalls) on a regular basis will be required to apply for a consent. This consent lasts up to 12 months (but expiring 31 March each year). The charging structure makes provision between monthly markets and those held at a greater frequency.
- 8.8 **All consent holders are required to notify the licensing team if they do not intend to trade, or do not trade for any reason.**
- 8.9 Road closures may be required in some circumstances relating to markets and events to ensure the safety of those attending. It is the responsibility of the consent holder to gain the permission required.
- 8.10 The Street Trading year runs from 1 April until 31 March with annual consents expiring 31 March each year.
- 9.0 Days and Hours of trading**
- 9.1 When considering hours of operation, regard will be given to the use of neighboring premises and particularly residences. Consent holders will need to always use the consent for the days and times which it is granted. The council must be notified in advance if the consent is not going to be used on any occasion.

**10.0 Applications**

- 10.1 The street trading year runs from 1 April until 31 March each year. Consents can only be issued for a maximum of 12 months.
- 10.2 When pitches are available, they will be advertised at [www.arun.gov.uk/other-licences](http://www.arun.gov.uk/other-licences) . Applications will be invited during a specified time. Persons wishing to trade on an existing market should contact the relevant operator.
- 10.3 Articles to be sold by the trader must be clearly detailed on the application form. Words such as ‘miscellaneous’, ‘homeware’, ‘hardware’, ‘food and drink’ and ‘brick-a-brac’ etc will not be accepted. Please note **appendix 7** of this policy provides outline details of goods that are prohibited from sale.
- 10.4 The website page will detail what information needs to accompany an application. This will include:
- details of the site that the applicant wishes to trade
  - operating days and hours
  - photographs of units or stalls that comply with the specifications set out in this policy
  - details of items to be sold etc.
- 10.5 Applicants will be asked to sign a self-declaration relating to criminal convictions.
- 10.6 Applications will be considered by officers after consultation with Sussex Police, West Sussex County Council Highways and Environmental Health (the full application details will be shared with the authorities). Consideration will be given to criminal convictions in line with the conviction’s information at **Appendix 6** and the applicant being able to demonstrate they have considered safeguarding matters.
- 10.7 Comments made by the consultees during the consultation period will be considered by officers. Officers will also consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy. Each application will be decided on its own merits.
- 10.8 Where more than one application is received for an available site, account will be taken of the steps to promote the ‘Purposes’ outlined in this policy together with the suitability of the proposal. A pitch will be allocated to the applicant who most closely meets the requirements of the policy and additional information detailed during advertising. (**Appendix 8**) Applications will be scored in cases where several applications are received. If alternative pitches are available for additional applicants and they meet requirements, these pitches will be offered.

- 10.9 An applicant will be invited to submit accompanying documents such as insurance, photo ID and a photograph when it is confirmed a pitch may be allocated to the applicant. A consent will not be issued until a licensing officer has verified and accepted the documentation required and payment is made.
- 10.10 Photographs and dimensions must be provided with all new applications and requests for approval for changes to or replacement of a stall or vehicle.
- 10.11 When requested, public liability insurance of a minimum of £2m must be at least third-party cover and **must** be in the Applicant's name. In addition, market operators and event organisers must hold coverage.
- 10.12 Officers may request to see evidence of a waste collection contract if appropriate prior to granting a consent.
- 10.13 Additional conditions may be attached to Consents by officers in the interests of ensuring the Principles of this policy are promoted. Officers may vary the conditions of a Consent at any time.
- 10.14 Street Trading Consents can be paid for in full or by quarterly payments. If payments are not made by the date requested the consent will be revoked immediately.
- 10.15 There will be no transfer of consents, no joint consents, preference will be given to local residents and businesses in accordance with the criteria set out in 'Purposes' and consents will be issued not exceeding 12 months.
- 10.16 Consents are only considered granted when they have been approved and payment due has been received.
- 11.0 Renewals**
- 11.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent. A renewal application may be refused if the renewal application is made late or if payment is outstanding.
- A renewal maybe refused if the application is not made in line with the application requirements of this policy or if there have been incidents of non-compliance, complaints, fees remain unpaid or any other matter relevant to the renewal application.
- 11.2 If the consent is refused or not renewed, the pitch will be advertised as available for applications.

- 11.3 Those attempting to renew less than 21 days before expiry will be treated as new applicants and scored alongside other applicants where more than one application is received. This process may result in the pitch being awarded to another applicant.
- 12.0 Surrender of a consent**
- 12.1 Where the trader wishes to surrender their consent, they must give the council 28 days (unless otherwise agreed) in notice in writing to [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk)  
All documentation and identification must be returned to the council.
- 13.0 Enforcement**
- 13.1 Officers conduct compliance checks as well as responding to specific complaints to check adherence to conditions and conduct of those operating under Street Trading Consents. Visits may be multi agency and are not always announced. Authorised officers may ask for documentation to be produced.
- 13.2 Complaints are investigated and handled according to their severity. Food hygiene complaints will be dealt with by Environmental Health Officers.
- 13.3 Generally, a staged approach will be taken when addressing issues beginning with education, prior to issuing warnings and then considering other action. However, for very serious offences where there is a need to protect public safety, to prevent crime or disorder, or the reputation of the council, revocation will be considered in the first instance.
- 13.4 Refusals and revocations may be undertaken with the oversight of the Licensing Manager taking into consideration the factors outlined in this policy. Applicants and consent holders will be notified of decisions taken in writing accompanied by reasons for the action being taken.
- 13.5 Consents may be varied or revoked at any time. Consent holders will be notified in writing and reasons will be given for the action taken. It should be noted that aggrieved consent holders have no right of appeal against the council's decision. Reasons for revocation may include but are not limited to non-payment of fees in relation to the consent or conditions attached to it, the consent holder is unsuitable to hold the consent or there are changes in circumstances which have resulted in insufficient space for continued trading without causing undue interference or inconvenience to persons in the street.
- 13.6 If street trading takes place on a prohibited street or without permission on consented streets, then enforcement action may be considered in line with the Enforcement Policy for Environmental

Health, Private Sector Housing, Licensing & Cleansing which can be found on the council's website at [www.arun.gov.uk](http://www.arun.gov.uk) .

- 14.0 Transitional Arrangements**
- 14.1 Markets and events will be required to operate in accordance with this policy from of not more than three months after it becomes effective. Any existing consents will be revoked and a partial refund will be given after any costs incurred by the Council have been accounted for.
- 14.2 Existing single pitch Consent holders (this by nature excludes markets) will be able to renew their consent if their offering is at odds with the requirements of this policy. This is to protect the livelihood of existing traders in the local area. If any period of authorisation is interrupted, then the trader will need to fully comply with the terms of this policy and make a new application.
- 14.3 All new applicants must make applications in line with the requirements outlined in this document from the time it becomes effective.
- 15.0 Pedlars Licences**
- 15.1 Sussex Police issue Pedlars Certificates. The sale of food under these Certificates is prohibited. Although permitted in the town centres, only small trays/barrows etc. are permitted and Pedlars must always be mobile. For further information please contact the Police Licensing Unit on 101.
- 16.0 Planning**
- 16.1 A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it may not require a street trading consent but may require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependent on the amount of time and days that the unit is located at the site. Please contact the Planning department for further advice [planning@arun.gov.uk](mailto:planning@arun.gov.uk) or refer to [www.arun.gov.uk](http://www.arun.gov.uk) . If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.
- 17.0 Tables and chairs**
- 17.1 Applications for tables and chairs for units providing food and/or drink are required and will be considered by the council. Please

refer to Pavement Licensing and / or Part 7A of the Highways Act 1980 on the Council's website.

**18.0**

### **Social media**

**18.1**

Arun District Council supports the use of social media and recognises this is a valuable tool in reaching audiences and promoting business. Freedom of speech must be exercised responsibly on social media sites. The following guidance is designed to assist with constructive use of platforms.

- Ensure that you are providing accurate information so that you are not misrepresenting yourself, someone else or the District. Sticking to the facts is always safer than providing opinion.
- Respect your audience, your colleagues, other businesses in the area and the council. Take care not to engage in any conduct that would not be acceptable in the workplace.
- Consider the image you want to portray to the public. Be mindful that what you post may be viewed by traders, customers, colleagues, elected members and both the local and wider communities, and may stay public for a long time.
- Remember that there may be consequences to what you post, so consider your content carefully. If you are about to post something that makes you the slightest bit uncomfortable, take a moment to consider if the best thing to do would be not to post your comments.

**19.0**

### **Information Sharing**

**19.1**

Arun District Council may disclose activities and personal details of Applicants, Street Trading Consent holders, their employees, stall holders or volunteers to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies (as well as internal council departments) and those who may require the information in connection with civil court action. To comply with the proceeds of crime act (POCA) information may be shared with third parties who have a legal right to such information including HMRC and the National Crime Agency. We will also share personal information relating to complaints (including complaint and intelligence details if we believe it is relevant to other authorities). We are obliged to report information regarding details of street traders periodically for fraud, other crime and other purposes. This includes personal details.



**Appendix 1: Street Trading identified locations (subject to change)**

<b>Town</b>	<b>Street</b>	<b>Purpose</b>	<b>Restricted Areas &amp; other info.</b>
Arundel	High Street (from Mill Road to Tarrant Street)	Farmers market  Events  Special Occasions	
	Mill Road	Mobile  Events  Special Occasions	
	River Road from High Street to the access to Crown Yard	Farmers Market	
	Tarrant Street (High Street to Brewery Hill)	Events  Special Occasions	Access to residences must be allowed
	Town Quay	Events  Special Occasions  Static	
	The Esplanade	Mobile  Events  Special Occasions	For applications on the south side, situation of concessions needs to be considered in relation to placement of Street Traders.
	High Street	Special Occasions  Events	
	London Road (pedestrian precinct from south end of	Markets  Events	

	London Road to Bedford Street only)	Static x 2 Mobile	
	The Steyne (south side only)	Events Special Occasions	
	Waterloo Square (outside perimeter)	Events Special Occasions Mobile Static	
Ferring	Marine Drive	Mobile	
Littlehampton	Banjo Road	Mobile Static Events Special Occasions	
	Clifton Road (Arcade Road to High Street)	Events Special Occasions	
	Duke Street (St Martins Road to High Street)	Events Special Occasions Markets	
	High Street	Events Special Occasions Markets	
	New Road	Events Special Occasions	
	Pier Road	Events Special Occasions	
	St Martins Lane	Markets Events Special Occasions	
	Junction of Sea Lane and Sea Road (Rustington)	Mobile	
Pagham	The Parade	Mobile	

**Consent holders must ensure that any relevant parking restrictions are complied with and applications must take maximum time of stay into account where it applies. This may include purchasing of parking tickets. An officer can advise.**

## **Appendix 2: Street Trading Conditions**

### Standard Conditions for Street Trading – **individual consents**

#### **Definitions:**

Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	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
‘Consent Holder’	means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street
‘Consent’	means a Consent granted by Arun District Council in respect of street trading
‘Employee’	means a person working for a Street Trading Consent Holder
‘Authorised Officer’ or ‘Licensing Officer’	an Officer employed by Arun District Council and authorised by the Group Head of Technical Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

‘Licensing Manager’

means the Operational Manager within the Licensing Unit

‘Serious Misconduct’

Includes, but is not limited to any of the following:

Sexist, racist, foul or abusive language

Acts of dishonesty

Acts of indecency

Any act causing or likely to be dangerous or cause personal injury to a person

1. A copy of the consent must be displayed prominently on the unit or stall at the street trading site and the trader or his employees shall produce it whenever required by an authorised Council Officer or Police Officer. The Trader and any employees shall always whilst trading, setting up and clearing down wear in a prominent position an identity badge provided by the Council.
2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.
3. The consent holder shall trade in compliance with the consent and must not digress e.g., affixing barriers or advertising etc. that has not been specified in the consent.
4. All signs placed on display in connection with the units must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
5. The consent holder will comply with all legislation, regulations or bye laws made and for the time being in force.
6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to Health Regulations 2002 and the Health and Safety at Work Act 1974 in relation to the sale of goods or provision of services from their unit.

7. The goods, articles or products, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Arun District Council.

8. The trading unit or stall must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Arun District Council.

9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that they may employ any other approved person to assist them in trading without a further consent being required. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.

10. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

11. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder. Employees must be aged 17 or over (18 or over if alcohol is to be sold).

12. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions. Consent holders are under a duty to bring the Conditions to the attention of their employees.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause or surrendered by the consent holder at any time.

14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

15. The consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

16. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, 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 a review of the consent by the Licensing Manager or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.

17. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.

18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent. Failure to do so will result in consent fees remaining payable.

19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

20. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.

21. This consent will be suspended if a consent issued to an Operator is in operation and the pitch is within the footprint.

22. There must be a minimum of 2 metres of unobstructed footway to allow passing space.

### **General Conduct**

23. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit. No goods shall be hung from canopies or be placed on the ground.

24. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.

25. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.

26. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

27. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.

28. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.

29. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Licensing Manager or other senior authorised officer potentially leading to revocation.

30. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Arun District Council Licensing Officer or Sussex Police Officer.

31. Traders are not permitted to purchase goods from the public whilst operating under a street trading consent or occupying a pitch.

### **Protection of Young People**

32. Street trading will not normally be authorised within 50 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).

33. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

34. If alcohol is sold at a pitch, no employee may be under the age of 18.

### **Trading Unit Compliance**

35. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of the Council and as stipulated by the consent and design brief. A high standard of presentation and appearance will be expected to be maintained.

36. Any replacement or new units or stalls must be approved by the Council prior to being purchased.

37. The trading unit will comply in all respects with any legal requirements relating to the activity proposed.

38. The trading unit shall be of a high-quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

39. The quality and appearance of the trading unit must be maintained at the standard approved in the original consent.

40. The trading unit will be of a mobile type and must be removed daily after trading has ceased unless previously authorised by a Licensing Officer. It must not cause damage to the street or endanger persons using the street. Stalls must be removed at the end of each day.

### **Health & Safety**

41. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.

42. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.

43. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

44. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.

45. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.

46. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

#### **Advertisements / Signage**

47. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

48. Advertising should only relate to goods offered for sale on that pitch.

49. Illumination of advertisements on the outside of the unit not permitted.

50. The use of 'A' boards and any other display board/structures are prohibited.

#### **Waste Management**

51. The consent holders shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.

52. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

#### **Additional Requirements for Food Operations**

53. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.



**PLEASE NOTE:**

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

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 circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

**Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent**

**Standard Conditions for Consents issued to Operators**

**Definitions:**

Street Trading	the selling or exposing or offering for sale any article (including a living thing) in a street
Street	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
'Consent Holder'	means a Street Trader who has been granted a Consent by the Arun District Council to trade on the street
'Operator Consent'	means a Consent granted by Arun District Council in respect of street trading for trading in an area comprising five or more pitches.

‘Employee’	means a person working for a Street Trading Consent Holder
‘Authorised Officer’ or ‘Licensing Officer’	an Officer employed by Arun District Council and authorised by the Group Head of Technical Services of Regulation and Enforcement in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982
‘Licensing Manager’	means the Operational Manager within the Licensing Unit
‘Serious Misconduct’	Includes, but is not limited to any of the following: Sexist, racist, foul or abusive language Acts of dishonesty Acts of indecency Any act causing or likely to be dangerous or cause personal injury to a person

1. The number of stalls shall not be more than that stated on the application.
2. The market must be laid out in accordance with the plan agreed by a licensing officer.
3. The name of the consent holder shall be displayed in a conspicuous position on the stall and a copy of the consent carried at all times during trading. The consent holder shall produce the consent when requested by an authorised officer licensing officer or a police officer.
4. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person. Arun District Council must be notified of all employees/persons authorised to assist prior to them working.
5. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, 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 a review of the consent by the Licensing Manger or another senior authorised officer should any criminal matter serious enough that there are concerns for public safety.
6. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.

7. Prior to stallholders trading, the Operator must obtain a self-declaration from each stall holder in relation to the convictions guidelines and safeguarding guidance within the Street Trading and Markets Policy.
8. No unit shall exceed the size agreed by a licensing officer.
9. No unit used in connection with trading shall obstruct access to doors into buildings, driveways, footpaths or passageways leading to buildings, or parts of buildings unless the stall or structure is easily portable by not more than two people (or by the consent holder alone if trading without assistance).
10. No stall(s) or structure(s) shall obstruct fire hydrant pit(s) or adjacent plate(s).
11. No stall(s) or structure(s) shall be placed to obstruct access/egress to or from any premises.
12. No stall(s) or structure(s) shall be so placed as to obstruct any designated emergency vehicle access point or route.
13. The layout of stall(s) shall not hinder easy access to or from any premises.
14. The layout of the stalls shall not cause undue interference or inconvenience to persons using the street or otherwise.
15. Loudspeakers, amplifying equipment or other such equipment shall not be used.
16. The stall holder or their representative shall not cause a nuisance by touting or calling out to attract customers to their stall.
17. The stall holder or their representative shall not use language or words which may cause offence to members of the public or other stall holders.
18. No trading shall be carried out from the ground (e.g. from a mat, blanket or similar, placed on the ground) without prior agreement from an authorised licensing officer.
19. All goods to be traded within the curtilage of the units and all gangways and walkways must remain clear of any obstructions and tripping hazards.
20. The type of goods to be sold shall be as per the application. Any changes to the goods being sold shall be agreed with the council prior to their sale.
21. All signs placed on display in connection with the units or a market must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
22. The appearance and design of units shall be subject to prior approval of licensing officer in accordance with policy specifications (i.e. uniform colour, look, canopy, etc).

23. All refuse or litter accumulated in the course of trading shall be removed from the site at the end of the day's trading and disposed of properly in accordance with the requirements of the Environmental Protection Act 1990.
24. All food stall holders shall comply with the Food Safety Act 1990, The Food Hygiene (England) Regulations 2006, Regulation (EC) No. 852/2004, Regulation (EC) No. 178/2002 and the Health & Safety at Work etc. Act 1974.
25. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.
26. Employees must be aged 17 or over (18 or over if alcohol is to be sold).
27. Public liability insurance to the minimum level specified in the schedule must be taken out by the consent holder and be maintained at all times of trading.
28. Restricted goods as listed in the Street Trading and Markets Policy may not be sold unless an exemption has been approved.
29. There must be a minimum of 2 metres of unobstructed footway to allow passing space.

**PLEASE NOTE:**

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

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 circumstances.

This consent, identification badges and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

**Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.**

### **Appendix 3 Street Trading Design Brief for Mobile Trading Units** (not applicable for markets and events)

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

#### Unit proportions

The external height of the unit must not exceed 2.6 metres

External size of the units must not exceed 2.3 metres x 4.9 metres

These dimensions do not include a tow bar.

It is recognised that units may not be a uniform shape and uniqueness is supported but will generally only be considered if the unit is within the proportions outlined above and compliant with the other conditions outlined in this design brief.

This design brief gives a maximum size (to accommodate standard food trailers), however applicants are advised to consider the size of trading unit that will be appropriate in the location that they are suggesting.

Additional consideration will be given in relation to food units/trailers where a food trader can demonstrate that:

(a) the design brief size requirements would be inadequate for the technical operation of their business which would otherwise be granted a consent and;

(b) that the location in question can support a larger unit, then the council may consider some modifications of the design size requirements.

#### **Design and Colour**

Units must be of a high-quality design that complements and enhances its surrounding environment. The proposed unit design must be agreed by Arun District Council. (It is suggested traders do not purchase a unit until the proposed design has been agreed).

The colour of the unit must be approved by Arun District Council. Consideration will be given to the proposed location of the unit and how the colour will help the unit enhance its surroundings.

### **Signage**

Signage must be painted (or attached via vinyl sticker) onto the trailer / stall. No other signage can be utilised by traders (such as hanging, floor sited A boards, etc)

Graphics must directly relate to the business. Temporary signage or product pictures are not permitted on any elevation and must be contained on the product/menu board or within the trading unit.

Product/menu boards must be sited internally or on shutters.

All signage designs must be approved by the Arun District Council as part of the street trading consent application process.

### **Siting of stock & trading area**

Goods cannot be displayed outside the areas of the unit e.g. via stands or similar, externally hung on the unit, sited on the public realm around the unit, or by any other means. All produce / stock must be located and displayed within the unit.

Goods cannot be displayed directly on the ground and must be presented from a product specific display unit (e.g., tiered shelving for flowers)

### **Canopies**

No goods can be hung or displayed on or from the canopy.

Canopies should only be located on the serving or opening size of the unit, for shading/sheltering purposes only.

Canopies should not project any more than 1 metre from the unit.

The colour of canopies must complement or be the same, as the unit colour. The design and appearance of the canopy must be approved by Arun District Council as part of the wider unit design.

### **Waste**

Commercial waste must be stored within the stall / trailer.

Food stalls should aim to have a public waste bin sited next to the unit. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

#### **Appendix 4 Street Trading Design Brief for Static Stall Units** (not applicable for markets and events)

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

#### **Stall Proportions**

The stall will not exceed the size of 3 metres x 3 metres.

#### **Design and Colour**

The stall will typically be covered by a standard gazebo of the above proportions which will be white or blue in colour, or both.

#### **Signage**

Any signage must be relating to the business only and must be kept within the confines of the stall. No A boards or similar are permitted to be used.

#### **Siting of stock & trading area**

No goods may be displayed on the ground. No goods may be displayed outside of the confines on the stall.

#### **Waste**

Commercial waste must be stored out of sight of the public.

Food stalls should aim to have a public waste bin sited next to the stall. This should be managed by the trader with waste removal forming part of the trader's commercial waste contract. The need for such a waste receptacle will be considered on a case by case basis acknowledging that there may be instances where the provision of a waste receptacle will not be required.

#### **Appendix 5 Street Trading Design Brief for Units Trading under an Operator held Street Trading Consent.**

Only those Units approved by an authorised licensing officer shall be used by the consent holder in accordance with the conditions of the Consent issued. Units must be visually appealing, be of sound construction, easy to maintain, adequate for the purposes of which they are intended and meet with the brief as well as with any relevant Consent conditions.

Where pitches are marked out, units and all items must be kept within the markings.

Within markets (to include markets at events), traditional timber stalls, stalls constructed of a metal frame and gazebos are preferred. It is preferred that a visually consistent approach is applied by having a co-ordinated appearance. Preferred colours are blue, white or both (i.e., traditional stripes). There must be a valance from tabletop to ground to cover stock, equipment and refuse under stalls whereby it would usually be exposed.

Any tarpaulins, awnings etc. should be safely and neatly secured.

Waste must be kept under the stall out of sight. Pitch sizes may be varied by a licensing officer in line with the authorisation procedure.

Generally, any trading from vehicles will only be permitted from pitches ends of markets or from a zone dedicated to such a purpose i.e., a cluster of vehicles located together for provision of food or drink. Any vehicles should be appropriate for their



prominent position and their appearance and size should not be visually damaging, over intrusive, or physically obstructive to the surrounding.

Applications will be considered for tables and chairs on markets where these are associated with provision of food and/or drink. Details of Pavement Licensing can be found on the council's website [www.arun.gov.uk](http://www.arun.gov.uk)

## **Appendix 6 Safeguarding and Convictions Guidelines**

### **Safeguarding**

All Consent holders have a responsibility to and must consider the safeguarding of young and vulnerable persons in relation to Street Trading activity. Safeguarding is wide ranging and includes protecting children and young persons from harmful products to human trafficking and exploitation and being aware of the signs of activity considered to be harmful. An example could be the well-publicised impact of placing fast food near to schools. The authority also considers that persons that have been convicted of some criminal convictions may not be suitable for Street Trading for reasons which include safeguarding vulnerable persons. Further details are outlined below.

Considerations which should be included, but not limited to are detailed as follows:

A Street Trading Consent will only be issued to those aged 17 years or older. Further, only those aged 17 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.

Where alcohol is sold or supplied, the minimum age for working at a unit or stall is 18.

Proof of age policies must be implemented in relation to age restricted products and details of such policies should be advertised on signage.

Street Trading pitches will not normally be allocated within 50 metres of schools or establishments primarily for the use of young or vulnerable persons.

There have been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority Arun District Council has a duty to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited.

If you have concerns that a child you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

If you have concerns that an adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

Important Contact Details:

*Sussex Police: 999 (urgent) or 101 (non-emergency)*

*Change Grow Live (CGL): 01243 830195 (Drug and Alcohol community team)*

*NSPCC: 0800 800 5000*

*Sussex Mental Health Helpline: 0300 500 0101*

*MIND Coastal West Sussex: 01903 721893 (Littlehampton office)*

*Samaritans: 116 123*

*Stepchange: 0800 138 1111 (Money advice and debt helpline)*

*Worth Domestic Abuse Service: 0330 222 8181 or send a referral by email to [worth.idva.services@westsussex.gov.uk](mailto:worth.idva.services@westsussex.gov.uk)*

### **Convictions**

Applicants are required to complete a self-declaration relating to convictions history. The authority will consider the following guidelines in relation to applications. Holders of Operators consents are also expected to apply the same guidelines to stallholders and volunteers.

General Principles:

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5

years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where an applicant has convictions. The guide is not intended to be exhaustive, and officers will consider each application based on the circumstances:

#### Offences involving violence

It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

#### Drug- related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

#### Indecency offences

Applicants with recent indecency offences would normally be debarred.

#### Dishonesty

Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

### **Appendix 7 Restricted goods**

The following goods must not be sold or provided with a purchase:

1. Bladed articles and other offensive weapons (e.g. knuckle dusters, num chucks)
2. All types of corrosive products
3. Tobacco and tobacco related products
4. Vaping products
5. Items associated with drug use or could be perceived glamourize drug use
6. Sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
7. Secondhand jewelry
8. Plastic single use bottles
9. Real fur items or items from endangered animals
10. Plastic bags that are not compostable
11. Any other item that is considered unsuitable in terms of public safety or that may cause offence or may undermine the objectives of this policy.
12. No live animals may be sold, given away or used for demonstration or exhibition.

**Appendix 8 Scoring Criteria**

Street Trading scoring matrix

Only complete applications will be considered.

Date:

Details of pitch advertised:

Officer undertaking review:

Applicant	Able to trade on times/days advertised	Meets requirements /spec advertised/ EOEW	Public Safety	Public Nuisance	Appearance	Public Order	Placement of traders	Environmental Sustainability	Contribution	Comments	Mean score
	Y/N	Y/N	*****Score out of 10*****								

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**Street Trading and Markets Policy Consultation  
Survey Results 25/10/2021**

Between the dates of 13/09/2021 and 25/10/2021 the survey received a total of 9 responses.

8 out of 9 responses were from Businesses/organisations with the 1 remaining an Individual, all living or operating within the district.

Below are the detailed responses for the long answer questions:

**Q: Are there any particular street trading offerings that you feel would benefit the local area?**

<i>Fresh fruit and veg and also meat/ fish van</i>
<i>In Littlehampton I would like to see stalls limited to these products you cannot get from local businesses. Men's clothing, shoes, crafts, etc. Local businesses pay business rates so should not be affected by stalls that compete with them.</i>
<i>Town centre traders to be allowed to sell in streets on Event days such as carnival &amp; bonfire night.</i>
<i>A Littlehampton Distillery's products</i>
<i>Music really changes the tone of an area and therefore more professional buskers would be of benefit to the local area.</i>
<i>Can people trade from their front gardens?</i>
<i>Those outlined in ADC draft policy are aspirational - promoting healthy choices, locally produced goods, local artists / traders and strong environmental focus are supported by BR BID.</i>
<i>Fruit &amp; Vegetable stalls (including the sale of exotic fruits), flower stall, and health &amp; beauty stall (popular in London), for example. Street Traders could be encouraged to offer a more diverse range of goods that would appeal to a wider audience and could provide new customer experiences. Could also attract more holiday makers if there is a street trade offering that becomes infamous for the variety on offer.</i>

**Q: Are there any streets proposed as being prohibited from Street Trading that you disagree with?**

<i>No, would agree</i>
<i>Surrey Street in Littlehampton should be prohibited, it is a very busy road</i>
<i>Traders from local shops should be considered applications for the blocked streets.</i>
<i>None</i>
<i>East Street to Avon Road. In the past this road has been used for events and as there is an alternative route to use and traffic can be diverted ,could this not be considered for future events and pop-ups as it is an ideal temporary walkthrough route in to the High Street?</i>
<i>Victoria Drive</i>
<i>Observation: High Street Bognor Regis is listed as a "Prohibited Street" at 3.5 of Draft policy, but included as suitable for special occasions and events in Appendix 1. Suggest that High Street Bognor Regis is suited to special and occasional market activity, or as part of an event subject to a road closure to ensure public safety. Similarly, York Road Bognor Regis could be considered suited for occasional / specialist markets subject to temporary road closure.</i>
<i>No</i>
<i>Where space and traffic movement allow then to have completely prohibited a street from Street Trading could close off any future opportunities. Sometimes, Markets/Street Traders are only in place for a day/weekend so, therefore, wouldn't necessarily prove disruptive or unwelcome in any of the streets listed in the proposal. However, the suitability of Street Trading on certain streets, for example those in a designated conservation area, may need to be considered in relation to the suitability.</i>

**Q: Do you believe there should be any other streets prohibited from Street Trading?**

All of the answers were "No" or "N/A"



**Q: Are there any places you feel would benefit from Street Trading during the day or in the evening?**

<i>London Road Bognor Regis</i>
<i>No</i>
<i>Any street in town should be considered for use by town centre traders</i>
<i>No</i>
<i>The open green spaces in both towns, do not seem to be utilised as much as they could be</i>
<i>Bognor</i>
<i>Possibility of evening/food markets Place St Maur &amp; York Road, Bognor Regis (subject to road closure, if York Rd becomes consent street). Possibility of occasional/speciality markets Waterloo Square.</i>
<i>With the regeneration project currently happening on Place St Maur, Street Trading in streets such as York Road, could further enhance the area, alongside the recent cafes and restaurants that have opened. It would be nice to see more Street Trading on summer evenings along the esplanade, by Place St Maur and in Waterloo Square for instance. Would also be nice to see Street Trading at Bognor Regis Railway Station if concrete planters weren't so obstructive.</i>

**Q: Are there any other comments you wish to make?**

<i>It would be easily for one party to hold the licence for example Bognor BID and not the bid to have one and also a stall holder as this is what is currently happening</i>
<i>With new paving etc going into Littlehampton the council needs to make sure there are no vehicles in the new High Street. Markets should be set up before shop openings, so before 9am, and leave around 4pm. Making sure disabled people and wheelchairs can always go through town. Maybe if Littlehampton decide to continue a weekly market they could be held in car park behind Dave O Jones which seemed to work well earlier this year, I meant that the town centre was left clear</i>

*Anti-competative restrictions. Unable to trade at Arundel market because a Chichester Distiller already trades at the market. Why the monopoly ? is the same applied to fruit & veg, hot food vendors, or candlestick makers?*

*The Littlehampton Traders Partnership wish to add the following observations and suggestions. There should be an excellent image and all stalls/pop ups should be in good order. No vehicles(lorries or vans) should be left on The High Street for more than a hour for set up and/or packing away. No replications of existing businesses or Traders unless they are Pop-ups or quality food stalls. Traders should not buy directly from the public for any reason .*

*Positive, clear and well written draft policy which recognises the positive benefits markets bring to our own centres. Intention to drive up quality of offering, and prioritising applications that bring complimentary offer, local produce, healthy eating, alternatives to animal products is supported. However, traders offering the types of good that ADC wish to attract may be more abundant, and more inclined to trade in some areas within the District than others. Need to balance expectations of community with regards to market providing "cheaper" offer than bricks and mortar retailers. Will need careful management to balance consents issued to individual traders (up to 7 days per wk) with Operator consents. Will need careful management to ensure needs of local bricks and mortar businesses are considered carefully and balanced with number of consents issued. Danger of business backlash if multiple traders operating under consent are in situ 7 days per week. As a current (operator) consent holder, BR BID is keen to continue operating 1 x midweek and 1 x weekend market under the revised policy, and looks forward to further details of pricing etc, hoping that this will be financially achievable..*

*Littlehampton Town Council has previously suggested that the Town Market could be better located in the St Martins Car Park (there was a temporary relocation to the car park to provide better social distancing last summer). This was considered to provide a much more attractive venue for the Market for visitors and vendors alike. Reviewing the other areas identified as locations in the Policy as it relates to Littlehampton, we would add the following suggestions / comments:*

- Not clear if St Martins Car Park itself is included (St Martins Lane is referenced but not the Car Park) – This should be included and have market added as the purpose*
- Manor House Car Park – This should be included and have market added as the purpose*
- Pier Road – Suggest that Market be proposed as an additional purpose (the area could host and benefit from a craft / themed market)*

*This draft policy document has been considered by Members of Bognor Regis Town Council's Planning and Licensing Committee. Whilst discussing the proposals, in addition to the responses given to the previous questions, the following comments were also made: - There are a couple of typos at 2.5 (line 3) where 'good' should be 'goods'. Also at 11.3 where it should read 'bric-a-brac'.*

*In regards to the term 'healthy food' this needs to be made more specific in the policy. Whilst cheese, or foods of an Indian style, could be regarded as 'healthy', it could also be argued that they are high in fat, for instance. One persons idea of 'healthy food' may differ to another persons. For example, someone on a keto diet will be looking for foods high in fat or protein.*

*The policy also runs the risk of excluding those with religious dietary requirements. To exclude offerings such as burgers and hot dogs could also push footfall from the Town Centre to outlying retails parks with fast foods outlets aplenty.*

*Rather than appearing to adopt a 'Nanny State' approach, people should be entitled to make their own food choices. As a compromise, perhaps Traders selling food could be asked to display information such as calorific content, allergens etc, or to use the traffic light labelling system, and thereby allow customers to make informed choices.*

*The policy seems to suggest that a Trader cannot employ anyone under the age of 17 years old, yet it seems to imply that anyone aged 16 years can hold a licence - if this is so, then would this not be slightly contradictory?*

*In so far as any approved design and colour scheme there seems to be some ambiguity with the policy stating 'can' be white and blue but the also says 'prefer' white and blue. Would a Street Trader, who does not regularly trade in a particular area, be required to change the colour/design and branding of their usual gazebo/stall? If colour and design is to be uniform throughout the district then would this also be applied to seafront concessions?*

*It would appear that the delivery of this policy would be delegated to an officer with no obvious process for appeals and/or complaints. This should work both ways and it would be a shame not to include these parameters into the final document.*

*Arun enjoys a diverse population and this could be reflected in the Street Trader offerings. Whilst new themes should be explored and supported, this should not be at the exclusion of more traditional offerings.*

*Bognor Regis Town Council strongly support Markets and Street Traders, and the diversity that they can offer to encourage buyers to the Town Centre. Whilst it is recognised that certain measures would need to be in place, it is felt that the policy, in its current form, is a little restrictive and overly prescribed.*

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## **Street trading - Notice of Intention to Re-Designate Streets Within Arun District as Consent Streets and Prohibited Streets**

**NOTICE** is hereby given that Arun District Council (“the Council”) in accordance with Paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 intends (subject to consideration of representations received by the date specified below) to pass a resolution in the following terms:

*“1. That all previous resolutions of the Council made pursuant to paragraph 2 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) to designate specified areas of the District as consent streets or prohibited streets or licence streets for the purposes of regulating street trading under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 are hereby rescinded*

*2. That as from the date when this resolution takes effect all areas of land within the District of Arun which are “streets” within the definition of that term contained in Paragraph 1 of Schedule 4 to the Act shall be designated as “consent streets” with the exception of any area of land referred to in resolutions 3 and 4 below*

*3. That there shall be excluded from the designation in resolution 2 above any streets which are designated as “Prohibited Streets” (The streets designated as Prohibited Streets are set out in Appendix 1 below.*

*4. With the exception of Public Authority Car Parks, as set out in Appendix 2 there shall be excluded from the designation in resolution 2 above any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity other than any highway which is included from time to time on the list of streets maintainable at public expense pursuant to section 36(6) of the Highways Act 1980.*

*5. For the purposes of resolution 4 above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means West Sussex County Council or Arun District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the Arun District Council.”*

If the resolution is passed, it will mean that street trading in the streets subject to the current designation will no longer be prohibited, but upon the passing of the resolution designating streets as “consent streets” or “prohibited streets”, street trading in all streets (except prohibited streets) within the Arun District Council area will be subject to the obtaining of consent. Subject to the consent street designation, anyone who engages in street trading in any street within the Arun District Council area without consent will be committing an offence and will be liable on summary conviction to a fine not exceeding level 3.

Anyone wishing to make representations about the intended resolution should do so in by email to [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) , within 28 days of the publication of this notice.

All such representations received by that date will be considered before it is decided whether or not to pass the resolution.

A copy of this notice will be displayed for public inspection on the notice board at the main entrance to the Council offices and on the Council's website [www.arun.gov.uk](http://www.arun.gov.uk).

Signed: Licensing Manager

Dated: 2 February 2022

#### Appendix 1- Prohibited Streets

##### Arundel

Maltravers Street

Mill Lane

Queen Street

##### Bognor Regis

Aldwick Road (West Street to Silverston Ave)

Bedford Street

Belmont Street

Charlwood Street

Nyewood Lane

Park Road

Victoria Drive

Canada Grove

Chapel Street

Clarence Road

Crescent Road

John Street

Lennox Street

Lyon Street

Lyon Street West

Manor Place

Market Street

Norfolk Street

Queensway

Richmond Road

Sadler Street

Spencer Street

Station Road

Steyne Street

Sudley Road

Sussex Street

West Street

The Beach

##### Ferring

The car park known as The Bluebird car park.

Littlehampton

Beach Road

Coastguard Road

East Street (between High St and Avon Road)

South Terrace

Surrey Street

Terminus Road (between Terminus Place and Arundel Road)

Windmill Road

The Beach

Pagham

Cardinals Drive

The Causeway

Church Way

Kings Drive

Appendix 2 – Public Authority Car Parks

Arundel

Crown Yard short stay

Fitzalan Pool short stay

Bognor Regis

Regis Centre

Fitzleet multi-storey

Hothampton Short Stay

London Road Long Stay

Coach and lorry park, Hotham Way Westbound

Lyon Street long stay

Hotham Park

Gloucester Road

Rock Gardens

West Park Aldwick

Culver Road Felpham

Links Avenue Felpham

Grassmere Felpham

Shrubbs Field Middleton-on-Sea

Littlehampton

Manor House short stay

Surrey Street short stay

River Road short stay

St Martins short stay

Anchor Springs short stay

Mewsbrook

Sea Road  
The Wall  
Banjo Road  
West Beach



Here you go 😊

**Josh Marsh**

Technical Support, Environmental Health

T: 01903 737879

E: [joshua.marsh@arun.gov.uk](mailto:joshua.marsh@arun.gov.uk)



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

[www.arun.gov.uk](http://www.arun.gov.uk)

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**From:** Cllr. Shaun Gunner <[Cllr.Shaun.Gunner@arun.gov.uk](mailto:Cllr.Shaun.Gunner@arun.gov.uk)>

**Sent:** 08 February 2022 18:16

**To:** Licensing <[Licensing@arun.gov.uk](mailto:Licensing@arun.gov.uk)>

**Subject:** RE: Arun District Street Trading Designations

Hi Josh,

I understand that this is to prohibit street trading without permission in the roads listed. Could I suggest we look at Sea Road, Rustington and Sea Lane, Rustington (an extension of Sea Road, Littlehampton), as well as Broadmark Lane, Rustington

Thanks,

Shaun

**SHAUN GUNNER**

*Leader of the Council and Conservative Group*

*Arun District Councillor, Rustington East*

Serving with: Alison Cooper

t: 01903 737620

m: 07367 584261

e: [Cllr.Shaun.Gunner@arun.gov.uk](mailto:Cllr.Shaun.Gunner@arun.gov.uk)

w: [www.ShaunGunner.com](http://www.ShaunGunner.com)

t: [@ShawnGunner](https://www.instagram.com/ShawnGunner)

**From:** Joshua Marsh <[Joshua.Marsh@arun.gov.uk](mailto:Joshua.Marsh@arun.gov.uk)> **On Behalf Of** Licensing

**Sent:** 08 February 2022 15:28

**Subject:** Arun District Street Trading Designations

Good Afternoon,

Further to previous communications regarding street trading.

Please take notice that Arun District Council is currently consulting that it proposes to vary it's street trading designations as outlined in the attached document.

Any comments should be made to [licensing@arun.gov.uk](mailto:licensing@arun.gov.uk) by 8 March. We are unable to accept any comments after this date.

The purpose of the variations is to provide a mechanism under which street trading can be effectively controlled in all areas of the district. This is in response to complaints and requests that have been received during the last 18 months.

Kind Regards,

**Josh Marsh**

Technical Support, Environmental Health

T: 01903 737879

E: [Licensing@arun.gov.uk](mailto:Licensing@arun.gov.uk)



Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF

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Proposed Street Trading fees - applicable 1 April 2022

<b>Type of consent</b>		<b>duration</b>	<b>Part A cost</b>	<b>Part B cost</b>
Annual STC	new/renew	1 year	£80	£321
Occasional STC (up to 30 days)	One-Off	up to 30 days	£80	£109
Occasional Events (up to 4 days, min 5 stalls)	One-Off	up to 4 days	£88	£85
Markets - annual	New/renew	1 year	£156	£1,413
Markets - max 12 occasions	new/renew	1 year	£156	£529

**Total cost additional information**

£401

£190 fee may be waived for non-profit events at officer discretion - see policy for details

£173 fee may be waived for non-profit events at officer discretion - see policy for details

£1,569

£685

## EQUALITY IMPACT ASSESSMENT

<b>Name of activity:</b>	Street Trading Policy and Designations	<b>Date Completed:</b>	10/06/21
<b>Directorate / Division responsible for activity:</b>	Place	<b>Lead Officer:</b>	Sarah Meeten
<b>Existing Activity</b>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>New / Proposed Activity</b>	<input type="checkbox"/> <input checked="" type="checkbox"/>
		<b>Changing / Updated Activity</b>	<input checked="" type="checkbox"/>

### What are the aims / main purposes of the activity?

This draft policy makes provision for street trading opportunities within the Arun District. Street Trading Designations form the framework for areas in the district to which the policy applies.

### What are the main actions and processes involved?

The policy lays out opportunities for Street Trading that have been identified by the council and lays out a process of how to apply for a consent, the process, eligibility criteria and detail of enforcement related matters. Publishing the policy for consultation will encourage feedback from a wide range of persons and Bodies and provide an opportunity for any concerns to be addressed.

### Who is intended to benefit & who are the main stakeholders?

Street Trading provision is for the benefit of those living in and visiting the area as well as for the benefit of those who trade. It applies equally to all persons of all backgrounds and ensures provision of services in an equally accessible way.  
A policy ensures that all applications are treated in a fair and consistent manner. Consulting on the policy ensures that any person has an opportunity to engage with the council's views and proposals regarding this activity.

### Have you already consulted on / researched the activity?

Consultation has already informally taken place with internal stakeholders as well as organisations including a traders partnership and BID as well as Town and Parish Councils. The policy will be published for public consultation.

<b>Impact on people with a protected characteristic</b> (What is the potential impact of the activity? Are the impacts high, medium or low?)		
<b>Protected characteristics / groups</b>	<b>Is there an impact (Yes / No)</b>	<b>If Yes, what is it and identify whether it is positive or negative</b>
<b>Age</b> (older / younger people, children)	<b>Yes / <del>No</del></b>	Persons under the age of 17 are not permitted to work or be employed as street traders. This for protection of young persons.
<b>Disability</b> (people with physical / sensory impairment or mental disability)	<b><del>Yes</del> / No</b>	
<b>Gender reassignment</b> (the process of transitioning from one gender to another.)	<b><del>Yes</del> / No</b>	
<b>Marriage &amp; civil partnership</b> (Marriage is defined as a 'union between a man and a woman'. Civil partnerships are legally recognized for same-sex couples)	<b><del>Yes</del> / No</b>	
<b>Pregnancy &amp; maternity</b> (Pregnancy is the condition of being pregnant & maternity refers to the period after the birth)	<b><del>Yes</del> / No</b>	
<b>Race</b> (ethnicity, colour, nationality or national origins & including gypsies, travellers, refugees & asylum seekers)	<b><del>Yes</del> / No</b>	
<b>Religion &amp; belief</b> (religious faith or other group with a recognised belief system)	<b><del>Yes</del> / No</b>	
<b>Sex</b> (male / female)	<b><del>Yes</del> / No</b>	
<b>Sexual orientation</b> (lesbian, gay,	<b><del>Yes</del> / No</b>	

bisexual, heterosexual)		
Whilst <b>Socio economic</b> disadvantage that people may face is not a protected characteristic; the potential impact on this group should be also considered	<b>Yes / No</b>	

<b>What evidence has been used to assess the likely impacts?</b>

<b>Decision following initial assessment</b>			
<b>Continue with existing or introduce new / planned activity</b>	<b>Yes / <del>No</del></b>	<b>Amend activity based on identified actions</b>	<b>Yes / <del>No</del></b>

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<b>Action Plan</b>			
<b>Impact identified</b>	<b>Action required</b>	<b>Lead Officer</b>	<b>Deadline</b>

<b>Monitoring &amp; Review</b>	
<b>Date of last review or Impact Assessment: 23/11/21</b>	SM
<b>Date of next 12 month review: 01/07/21</b>	
<b>Date of next 3 year Impact Assessment (from the date of this EIA): 01/07/24</b>	

<b>Date EIA completed:</b>	.....01/06/21.....Reviewed 23/11/21.....
<b>Signed by Person Completing:</b>	.....Mrs S Meeten.....



Licensing Committee	Report Title	Report Author	Send to Gemma for CMT by 2pm Thurs	CMT Tues	Draft Reports to Committees	Agenda Prep Meeting	Final Reports to Committees	Agenda Publish Date	Date of Meeting	Full Council Meeting Date
Karl Roberts Nat Slade										
Licensing	S Meeten		5 August	10 August	12 August	19 August	26 August	2 Sept	<b>10 Sept</b>	10 Nov
Street Trading and Markets Policy										
Licensing	S Meeten		4 Nov	9 Nov	16 Nov	25 Nov	30 Nov	2 Dec	<b>10 Dec</b>	12 Jan
Licensing Fee Setting	S Meeten									
Taxi Fees	S Meeten									
Street Trading Policy and Designations	S Meeten									
Statement of Gambling Licensing Principles 2022-2025	S Meeten									
Licensing	S Meeten		10 Feb	15 Feb	17 Feb	24 Feb	1 March	3 March	<b>11 March</b>	11 May
Street Trading and Markets Policy, Making										

Licensing Committee	Report Title	Report Author	Send to Gemma for CMT by 2pm Thurs	CMT Tues	Draft Reports to Committees	Agenda Prep Meeting	Final Reports to Committees	Agenda Publish Date	Date of Meeting	Full Council Meeting Date
Karl Roberts Nat Slade										