Manchester City Council

Revised Street Trading Policy

(for consultation)

Introduction

1.1. Manchester is a diverse, fast-growing regional capital with a nationally significant city centre economy and busy neighbourhood high streets.

1.2. Street trading is concerned not only with consumer protection but also with the suitability of those who are street traders, what they sell and any nuisance and inconvenience or obstruction that they may occasion to those using the streets in question. Wide consideration will be given to various matters when considering an application for permission to trade in a particular place.

1.3. Licensing requirements will go beyond compliance to actively promote the city's strategic aims – creating fair and inclusive opportunities for local entrepreneurs, embedding sustainability standards, and ensuring traders contribute to safe, healthy, clean and vibrant neighbourhoods. In this way, street trading will not only regulate activity but also act as a lever for inclusive growth, thriving neighbourhoods, and a world-class city experience.

1.4. This policy sets out how Manchester City Council ("the Council") regulates and supports lawful, safe and high-quality street trading across Manchester. It applies to all applications for street trading authorisations (licences and consents), renewals, variations, enforcement, and revocations within the city boundary, except where statutory exemptions apply.

1.5. The policy is applied to decision making under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act"), which was adopted by Manchester City Council on 28 November 1989, and the Manchester City Council Act 2010.

Street trading overview

1.6. Street trading is defined in paragraph 1 of Schedule 4 of the 1982 Act as 'the selling or exposing or offering for sale of any article (including living thing) in a street' The Manchester City Council Act 2010, which came into force on 8th April 2010, modified the Act as follows:

a. extended the scope of the Act to allow Manchester City Council to regulate the provision of services as well as the sale of goods;

b. clarified the exemption for the holders of a Pedlar's Certificate from the street-trading regime contained in the 1982 Act;

c. gave council officers and police constables the power to seize articles, receptacles or equipment as evidence, or for forfeiture, in cases where they have reasonable grounds to believe that a street trading offence has been committed;

d. gives the court the power to order the forfeiture of any article, receptacle or equipment, which is shown to the satisfaction of the court to be related to the offence of street trading.

Street Designations

1.7. The Council designates streets as:

a. **Licence streets (**where a street trading licence is required)

b. **Consent streets** (requiring a street trading consent), and

c. **Prohibited streets** (no trading permitted).

1.8. The Council will normally designate streets as consent streets in preference to licence streets. This gives the Council wider discretion to shape street trading to support Manchester's ambitions for 2025–2035 as set out in the Our Manchester Strategy. The Act provides that the Council may take into account only those matters set out in the legislation when considering an application for a licence whereas the legislation gives the Council a wider discretion in relation to the matters it can take into account when considering an application for a consent.

1.9. The current designation of prohibited, licence and consent streets in Manchester is available on the Manchester City Council website.

1.10. For the purposes of licensing under the Local Government (Miscellaneous Provisions) Act 1982, the definition of a “street” is interpreted broadly. Section 21(1) of the Act makes clear that a street includes any road, footway, beach, or other area to which the public has access without payment. Case law confirms that this extends beyond the carriageway to cover adjoining pavements, forecourts and privately owned areas where the public has free access (see West Berkshire DC v Paine [2009]). In practice, this means that street trading controls apply not only to highways but also to pedestrianised precincts, squares, and shop forecourts, including private land.

Exemptions

1.11. The statutory exceptions from these controls on street trading include:

a. trading by a person acting as a pedlar, under the authority of a pedlar’s certificate, subject to the qualifications introduced by the provisions of the Manchester City Council Act 2010 (see paragraph 2.5)

b. anything done in a market or fair

c. trading in a trunk road picnic area as defined in section 112 of the Highways Act 1980

d. trading as a news vendor (newspapers and periodicals)

e. trading which is carried on at premises used as a petrol filling station

f. trading which 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

g. acting as a roundsman (for example a milkman)

Policy Objectives

1.12. This street trading policy framework establishes the criteria against which all applications for Street Trading Consents will be assessed by the Council. Its purpose is to foster a vibrant, diverse, and high-quality street trading environment that enhances public spaces, supports local enterprise, and contributes positively to the city's character. This will be balanced against the need to ensure public safety, manage the public highway effectively, and protect the amenities of residents, visitors, and local businesses.

1.13. All decisions will be guided by the Eligibility and Assessment criteria set out in Section 4 of this Policy, listed below:

Location and Access requirements

Policy 1. Prohibited Locations: The pitch must not be in an area designated by the Authority as a 'Prohibited Street' or other restricted location.

Policy 2. Emergency Access: The pitch must not obstruct, impede, or hinder access for emergency service vehicles or personnel.

Policy 3. Road User Safety: The pitch must not obstruct sightlines for drivers, cyclists, or pedestrians at junctions, bends, or formal crossings.

Policy 4. Pedestrian Flow: The pitch, including any associated queueing, must not unduly obstruct pedestrian flow, particularly for vulnerable users.

Policy 5. Access Points: The pitch must not obstruct access to any residential or commercial premises, fire escapes, bus stops, pedestrian crossings, or public utilities.

Applicant suitability

Policy 6. Suitability of the applicant: Traders and people that they employ must be suitable to undertake the activities applied for and not pose a threat to the public.

Contribution to the Public Realm

Policy 7 Enhancement of the Public Space: Contribute positively to the public realm, helping to create vibrant, safe, and welcoming spaces for residents and visitors.

Policy 8. Diversity of Offer and Consumer Choice: Enhance the variety and quality of goods, services, or food available in the local area, contributing to a vibrant and distinctive street scene.

Policy 9: Supporting Access to Healthy, Affordable food and produce: Encourage the development of healthier food environments for our residents and visitors, promoting equitable access to healthy, affordable food and produce.

Policy 10: Supporting Sustainable and Environmentally Responsible Practices: Demonstrate a commitment to environmental sustainability and responsible trading practices.

Policy 11. Accessibility and Inclusive Design: Contribute to a more inclusive and accessible city for all residents, including disabled people, older adults, and those with limited mobility.

Neighbourhood Impact

Policy 12. Nuisances e.g. noise and odour: Operate responsibly and do not cause nuisance such as through excessive noise or unpleasant odours, particularly in sensitive locations.

Policy 13. Waste Management: Demonstrate a professional and effective approach to managing waste, in line with the city's commitment to clean and safe public spaces.

Policy 14. Appropriate Operational Hours: The operating hours of a business or trading unit shall be suitable for the location and not negatively impact the surrounding community.

Applications and the licensing process

Receipt of application and fees

1.14. An application will be treated as being valid only when the relevant application and all the necessary supporting evidence has been received, and the relevant non-refundable application fee has been paid. The application must be completed in full.

1.15. In the case of an invalid application, the applicant will be informed of the need to supply any additional documentation, information or actions required for it to be deemed a valid application. Failure to follow the application process may result in the consent being refused or delayed.

1.16. Applicants are encouraged to submit their applications in plenty of time before the intended trading date to ensure that if there are any problems, they can be rectified or discussed before they intend to trade.

1.17. Applications can be made for a:

- **a.** New Annual Consent
- **b.** Renewal of an Annual Consent
- **c.** New Occasional Consent

1.18. Further information on consent renewals is in Section 6.

Eligibility

1.19. To apply for consent a person must be: -

- **a.** An individual or business
- **b.** 17 years of age or over

1.20. Legally entitled to live and work in the UK with a minimum 12-month period of residence in the UK

1.21. The application form must be submitted along with the following:

1.22. A non-refundable application fee (based on the cost of administering the application)

- **a.** Photographic identification (e.g. passport, photo card driving licence)
- **b.** A site plan of the proposed trading area or list of proposed streets
- **c.** Photographs of the trailer, stall, or vehicle proposed for use
- **d.** The make and model of any generator to be used (if applicable)
- **e.** Gas certificate (if applicable)
- **f.** Public Liability Insurance certificate cover for £5,000,000
- **g.** Current MOT certificate (if using a vehicle)
- **h.** Appropriate current business use motor insurance (if using a vehicle)
- **i.** Proof that the applicant is entitled to work in the UK

1.23. Upon receipt of the complete application the Licensing Unit will consider the application in line with the key considerations outlined in section 4 of the policy and conduct a consultation as detailed in this section of the policy.

1.24. Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

Pitches

1.25. Ordinarily, the applicant will identify the location for the proposed pitch (trading location) they are applying to trade from as part of their application.

1.26. Consents will be granted for specified locations on non-prohibited streets. This shall be regarded as the licensed pitch.

Designated pitches

1.27. In some streets, the licensing authority may designate specific pitches that would be available to be licensed. On streets where this is done, it will be the policy to normally refuse applications for other locations on that street. The only exemption for this approach shall be mobile ice cream vans (see below).

Landowner consent

1.28. In terms of land that is not highway maintained at public expense, permission needs to be obtained from the landowner and submitted with the application.

Shared use of trading locations

1.29. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days / periods are applied for.

Types of Consent

1.30. The Council will grant Annual and Occasional consents.

1.31. The council may include in a street trading consent permission for its holder to trade in a consent street –

- **a.** from a stationary van, cart, barrow or other vehicle; or
- **b.** from a portable stall.

1.32. The consent may be subject to conditions—

- **a.** as to where the holder of the street trading consent may trade by virtue of the permission; and
- **b.** as to the times between which or periods for which the holder may so trade.

Duration of consents

1.33. Annual Consents will be granted for a 12-month period for a particular location.

1.34. Occasional Consents will be granted for a period of one to 31 days save in exceptional circumstances at the discretion of the Strategic Lead for Licensing or Licensing Service Manager.

1.35. Occasional Consents will normally only be granted to be supplementary to a promotional or special event where street trading is taking place as part of the event, and the trading does not form part of a licensed Market authorised by way of a Market Rights Licence issued by the Council’s Markets service.

1.36. Applications for occasional street trading consents shall be considered through a more flexible approach than applied to Annual Consents. They are viewed as opportunities for supporting seasonal events, and adding short-term vitality to the community, and are therefore assessed with an emphasis on immediate local benefit rather than stringent long-term strategic alignment. Favourable consideration is generally given to applications linked to MCC-led or supported events.

1.37. Despite this more permissive stance, temporary applications remain subject to robust, proportionate scrutiny to ensure public safety and minimise local disruption. Assessing officers will primarily evaluate the proposed trading based on its immediate impact on pedestrian flow, highway safety, and the potential for noise or environmental nuisance.

1.38. It is essential for applicants to understand that the granting of an Occasional Consent does not establish a precedent, nor does it create a backdoor pathway to a longer-term arrangement. Because the licensing authority enforces a significantly more rigorous threshold for permanent trading pitches, any temporary operator wishing to establish a permanent presence must submit a completely separate standard consent application. This subsequent application will be evaluated strictly on its own merits against the policy criteria, with no preferential weighting given to the applicant's prior temporary trading history, thereby maintaining the integrity of the broader street trading policy.

Determination of Applications

1.39. The assessment of a street trading application is a two-stage process. Applications will be assessed by a Licensing Officer.

1.40. An application must first satisfy all Eligibility Criteria at Stage 1 of process. If satisfactory, it will then be subject to a Stage 2 Suitability Assessment of the trading proposal to determine the final outcome.

1.41. The exception is where it is considered the applicant is unsuitable to hold a consent by reasons of having been convicted of an offence or for any other reason, the matter will be referred to a hearing by the Council's Licensing Sub-committee hearing panel for a final decision.

Consultation

1.42. In determining an application, the Licensing Officer assessing the application may decide it is appropriate to consult with interested parties prior to any new/renewal applications for street trader consents. These may include:

- **a.** Occupiers of premises immediately adjacent and opposite
- **b.** Local Ward Councillors and Ward Co-ordinators.
- **c.** Relevant services at Manchester City Council (including but not limited to Highways Department, Environmental Health, Trading Standards, Public Health, Neighbourhood Services, Waste and Recycling, Planning, Corporate Property, Regeneration, Parks, Events Unit)
- **d.** Greater Manchester Police
- **e.** Transport for Greater Manchester
- **f.** Greater Manchester Fire and Rescue
- **g.** Cityco
- **h.** Any other person deemed necessary

1.43. Information received from these bodies will be considered in determining whether it is appropriate to grant a consent, including the appropriateness of the terms of the authorisation.

1.44. Whilst there is no statutory requirement for a public consultation on applications, the licensing authority will publicise new/renewal applications for annual consents on the Council's website for a minimum of 21 days. Occasional consents connected to MCC-led or supported events will not be advertised.

1.45. The licensing authority will consider representations made by any person during the consultation period.

Stage 1: Site Eligibility Criteria (Pass/Fail)

1.46. Policies 1 to 5 are non-negotiable requirements. The applicant must provide sufficient evidence to demonstrate compliance.

1.47. It is the council's policy that where an application fails to meet any of these criteria, it will be rejected without proceeding to the next stage.

1.48. The Assessment Criteria to be used is set out as follows:

Location and access requirements

1.49. These below considerations are self-explanatory and will be considered on a case-by-case basis in relation to the proposed site.

Policy 1. Prohibited Locations: The pitch must not be in an area designated by the Authority as a 'Prohibited Street' or other restricted location.

1.50. The pitch is on a prohibited street.

1.51. The landowner has not provided consent.

1.52. Pitches will not be permitted on double yellow lines, zig-zag markings, or within 10 metres of a junction, unless the Highways Authority has formally suspended the relevant Traffic Regulation Order in writing. A Street Trading

Consent does not exempt the holder from any parking restrictions currently in force.

Policy 2. Emergency Access: The pitch must not obstruct, impede, or hinder access for emergency service vehicles or personnel.

1.53. The proposed pitch is located on a narrow street or pedestrianised area where its presence would reduce the "Clear Channel" to less than [e.g., 3.7 metres], impeding the rapid deployment of Fire and Rescue service vehicles.

Policy 3. Road User Safety: The pitch must not obstruct sightlines for drivers, cyclists, or pedestrians at junctions, bends, or formal crossings.

1.54. The height or width of the proposed trading unit would obstruct the "Visibility Splay" for motorists emerging from any adjacent junction. This creates a significant risk of collisions as per the standards set in Manual for Streets.

1.55. The pitch is positioned in a manner that obscures the line of sight to a formal traffic signal, pedestrian crossing beacon (Belisha beacon), or mandatory regulatory road sign.

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Policy 4. Pedestrian Flow: The pitch, including any associated queueing, must not unduly obstruct pedestrian flow, particularly for vulnerable users (e.g., wheelchair users, people with prams or visual impairments).

1.57. The proposed pitch would reduce the available clear footway to less than 2.0 metres, which is the minimum clear footpath width as defined in the Authority's Highway Standards.

1.58. The pitch is located directly on a natural "desire line" (the most direct route pedestrians take between two points, such as a station exit and a crossing), which would cause pedestrian "bottlenecking" and force foot traffic into the live carriageway.

Policy 5. Access Points: The pitch must not obstruct access to any residential or commercial premises, fire escapes, bus stops, pedestrian crossings, or public utilities (e.g., manholes, fire hydrants).

1.59. The pitch is located within or immediately adjacent to a designated Loading Bay or Bus Stop Clearway, creating a conflict between trading activity and essential servicing or public transport vehicles.

1.60. The pitch footprint covers or restricts immediate access to a fire hydrant, a gas shut-off valve, or an essential telecommunications/electrical inspection chamber, or similar equipment.

1.61. In the event of an emergency evacuation of adjacent premises, the pitch would obstruct the primary egress route or assembly point, creating a crushing or tripping hazard for large volumes of people.

1.62. The proposal relies on external power sources that would require cables to be trailed across the footway. Even with cable protectors, this constitutes an unacceptable trip hazard and obstruction on a high-traffic public highway.

Stage 2 – Suitability assessment

1.63. If an application passes Stage 1, it will be assessed against the criteria set out in Policies 6 to 14 below.

1.64. The assessment will consider the specifics of the application in the context of the proposed location, time of day, and nature of the operation insofar as the proposal contributes to the following policy considerations.

1.65. These are not a checklist; instead, the decision-maker will weigh the potential positive and negative impacts of the proposal to arrive at a balanced, evidence-based judgement.

Applicant Suitability

Policy 6. Suitability of the applicant: Traders and people that they employ must be suitable to undertake the activities applied for and not pose a threat to the public.

1.66. The applicant is unsuitable to hold a Street Trading Consent as they have not met the mandatory age requirement.

1.67. That the applicant has at any time been granted a street trading licence or consent by the council and has persistently refused or neglected to pay fees due to them for it.

1.68. That the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence or consent.

1.69. The Council will not grant a Street Trading Consent to any individual who does not have the right to live and work in the United Kingdom. This applies to all applicants, including those applying for renewals and any assistants named on the consent.

1.70. The applicant is deemed unsuitable due to a documented history of non-compliance with street trading conditions. Specifically, the applicant has a record of formal written warnings that demonstrates a persistent failure to comply with previous consents and indicates that the applicant is unwilling or unable to adhere to the Council's Street Trading Policy and the consent conditions.

1.71. When determining whether an applicant is suitable, the Council will consider any unspent convictions or other conduct the applicant may have, and this information will be requested in the application form. Each case will be decided on its own merits. Convictions and other matters relevant to their suitability will be considered with regard to the Council's Guidelines as set out in Section 8.

1.72. Greater Manchester Police will be consulted for all applications.

1.73. An applicant's history of street trading will also be taken into consideration, e.g. conduct of the consent holder including whether previous street trading consents have been used appropriately (including failure to make full use of the consent) and whether the Council's requirements have been met.

1.74. The applicant will be expected to hold all necessary statutory permissions. This shall include but is not limited to:

a. food hygiene registration and minimum of four-star rating (for food businesses),

b. public liability insurance (to the minimum value specified by the Authority)

c. gas/electrical safety certificates for the trading unit.

Food units

1.75. All food businesses must be appropriately registered with their local authority. Certain low risk businesses may be exempt from the Food Hygiene Rating Scheme (FHRS) and therefore not require a hygiene rating. However, the Licensing Team may liaise with Environmental Health to ensure adequate compliance with food law.

1.76. The classification of 'low risk' will be determined by the Environmental Health Team using criteria outlined in food law guidance. Where a business is deemed low risk, it may be subject to questionnaire or desktop assessments, rather than full inspections. These businesses may be considered safe to trade whilst awaiting inspection by their local authority or under specific circumstances, provided there is no evidence of non-compliance.

1.77. All other food traders must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 or where there is significant food hygiene or food safety breach whilst a consent is in place, consent may be suspended or revoked.

1.78. Applicants and consent holders should notify Manchester City Council of any changes to their national food hygiene rating.

Right to Work in the United Kingdom

1.79. The Council will not grant a Street Trading Consent to any individual who does not have the right to live and work in the United Kingdom. This applies to all applicants, including those applying for renewals and any assistants named on the consent.

1.80. Applicants must demonstrate their Right to Work through one of the following two methods:

1.81. Manual Document Check (UK/Irish Citizens Only): Applicants must produce an original, valid document from Home Office List A (e.g., a British or Irish Passport). The Council will take a clear copy, which will be signed and dated by the verifying officer to confirm the original was seen.

1.82. Online Right to Work Check (Non-UK/Irish Citizens): In line with the 2025/26 digital-first immigration strategy, individuals with an eVisa, Biometric Residence Permit (BRP), or status under the EU Settlement Scheme must provide the Council with a 90-day "Share Code" generated via the GOV.UK service

1.83. The duration of the Street Trading Consent will be tied to the applicant’s immigration status. If the Council is notified by the Home Office that a consent holder no longer has the right to work in the UK, the Street Trading Consent will be **revoked immediately** with no right of appeal to the Committee, as the Council would be acting in contravention of national immigration law by allowing trading to continue.

Contribution to the Public Realm

Policy 7. Enhancement of the Public Space: Contribute positively to the public realm, helping to create vibrant, safe, and welcoming spaces for residents and visitors.

1.84. The Council seeks to ensure that street trading contributes positively to the public realm, helping to create vibrant, safe, and welcoming spaces for residents and visitors while respecting the unique heritage and architectural integrity of the locality.

1.85. Applications will be assessed for their potential to animate and enhance the surrounding public space. Applicants are encouraged to demonstrate how their proposal will positively contribute to the local environment and enhance the experience of those using the space.

1.86. Favourable consideration will be given to proposals that:

a. Activate underused or sterile areas, bringing life and activity to otherwise quiet or neglected spaces without compromising existing pedestrian flow

b. Improve natural surveillance: contributing to “eyes on the street”, and a safer and more secure environment.

c. Support a lively and inclusive street atmosphere: encouraging footfall and social interaction across diverse demographics.

d. Complement character and identify: Features well-designed trading units and offer goods or services that align with the specific identify of the area, such as Cultural Quarters, or distinctive streetscapes.

Heritage and Conservation Area Considerations

1.87. Where a proposed pitch is located within or adjacent to a Conservation Area or a Heritage Asset (e.g., listed buildings or scheduled monuments), the following additional criteria will apply:

a. Visual Sensitivity: Trading units must be of a high-quality design, using materials and colour palettes that harmonise with—rather than clash against—the historic backdrop.

b. Preservation of "Vistas": The pitch must not obstruct significant views or "vistas" of landmark buildings or historic frontages.

c. Reversibility and Impact: The operation must not require any permanent fixings to historic paving or structures and must demonstrate a "zero-impact" approach to the physical fabric of the conservation area.

Policy 8. Diversity of Offer and Consumer Choice: Enhance the variety and quality of goods, services, or food available in the local area, contributing to a vibrant and distinctive street scene.

1.88. Applications will be assessed for their potential to broaden the local offer and provide greater choice to the public. Applicants are encouraged to demonstrate how their proposal adds value to the local offer and meets the needs of a wide range of residents and visitors.

1.89. Favourable consideration will be given to proposals that:

a. Introduce unique or specialist products or services not currently available in the area

b. Offer items of particularly high quality that enhance the area's overall appeal

c. Contribute to a diverse mix of traders, avoiding over-concentration of similar types of businesses

d. Reflect and support the cultural identity or character of the locality

Policy 9. Supporting Access to Healthy, Affordable food and produce: Encourage the development of healthier food environments for our residents and visitors, promoting equitable access to healthy, affordable food and produce.

1.90. Creating neighbourhoods that actively encourage and enable healthier food choices by improving equitable access and promoting positive food and drink options will help people lead healthier lifestyles, a key priority of the Our Manchester Strategy.

1.91. Applications will be assessed for their potential impact on the local food environment, particularly in relation to children’s health.

1.92. Applications for food traders within 400 metre radius of schools (approximately a five-minute walk) will be carefully considered to ensure they do not encourage unhealthy food choices during key times such as lunchtime and after school.

1.93. Positive consideration will be given to proposals that aim to provide fresh, sustainable and healthy produce as their main offering.

1.94. Applications may be refused or restricted where the proposed offer is likely to encourage increased consumption of food and drinks high in fat, salt and sugar, particularly where this may negatively impact children’s health or exacerbate existing health inequalities.

Policy 10. Supporting Sustainable and Environmentally Responsible Practices: Demonstrate a commitment to environmental sustainability and responsible trading practices.

1.95. Applicants are encouraged to clearly outline their sustainability practices as part of their submission. Proposals that contribute to the city’s climate goals and reduce environmental impact will be prioritised.

1.96. Favourable consideration will be given to applications that show strong environmental credentials, including but not limited to:

a. Use of recyclable, compostable, or reusable packaging

b. Sourcing of local or seasonal ingredients to reduce carbon footprint

c. Use of low-emission or renewable energy sources for operations

d. Minimising waste generation and promoting resource efficiency

Policy 11. Accessibility and Inclusive Design: Contribute to a more inclusive and accessible city for all residents, including disabled people, older adults, and those with limited mobility.

1.97. Applications will be assessed for their commitment to accessibility and inclusive design. Applicants are encouraged to demonstrate how their proposal supports equal access and contributes to a welcoming environment for all members of the community.

1.98. Favourable consideration will be given to proposals that:

a. Ensure step-free access to trading units or stalls

b. Use clear signage and provide information in accessible formats

c. Offer inclusive customer service practices, such as staff training on disability awareness

d. Consider the needs of people with visual, hearing, or cognitive impairments

e. Avoid obstructing public pathways, ensuring safe and unobstructed movement for all

Neighbourhood Impact

Policy 12. Nuisances e.g. noise and odour: Operate responsibly and do not cause nuisance such as through excessive noise or unpleasant odours, particularly in sensitive locations.

1.99. Applications will be assessed for their potential impact on nearby residents and sensitive premises such as schools, hospitals, and places of worship. There will be a presumption against trading from taking place at or immediately adjacent to a residential property. This is to prevent nuisance or disturbance to residents caused by commercial activities.

1.100. Applicants are encouraged to outline how they will manage noise and odour as part of their submission, particularly if trading near residential or sensitive areas.

1.101. Favourable consideration will be given to proposals that:

a. Use quiet or low-emission equipment, such as silent generators or battery-powered alternatives

b. Avoid the use of amplified sound, shouting, or other disruptive audio during trading hours

c. Include measures to control cooking fumes and odours, such as extraction systems or odour-reducing techniques

d. Are located at a suitable distance from noise-sensitive properties

e. Demonstrate a commitment to operating respectfully within the local environment

Policy 13. Waste Management: Demonstrate a professional and effective approach to managing waste, in line with the city's commitment to clean and safe public spaces

1.102. Applications will be assessed for the adequacy of their waste management plans. Applicants are encouraged to outline how they will manage waste responsibly and contribute to the overall cleanliness and safety of Manchester's public spaces.

1.103. Favourable consideration will be given to proposals that:

a. Include a clear and practical plan for the storage and disposal of all commercial and customer waste

b. Avoid placing an undue burden on public waste bins or street cleaning services

c. Use recyclable, compostable, or reusable materials wherever possible

d. Demonstrate a commitment to keeping the trading area clean and litter-free throughout operating hours

e. Comply with local waste disposal regulations and environmental standards

Policy 14. Appropriate Operational Hours: The operating hours of a business or trading unit shall be suitable for the location and not negatively impact the surrounding community.

1.104. The assessment will consider whether the hours contribute positively to the street's vitality at appropriate times (e.g., serving a lunchtime office crowd, contributing to the early evening economy) without negatively impacting residential amenity during unsociable hours.

1.105. Favourable consideration will be given to proposals that demonstrate a thoughtful approach to operating hours, including measures to mitigate potential impacts on the local environment and community wellbeing.

1.106. Applications will be assessed to determine whether the proposed hours of operation:

a. Are appropriate for the character and use of the area, including residential, commercial, or mixed-use zones

b. Minimise disruption to residents, particularly in relation to noise, litter, and anti-social behaviour

c. Support safe and responsible trading, especially during evening and night-time hours

d. Align with school hours or other sensitive times, where relevant, to avoid encouraging unhealthy or unsafe behaviours (e.g. sale of unhealthy food and drink to children after school)

The Decision

1.107. All applications will be considered on their individual merits considering all relevant matters.

1.108. Based on the two-stage assessment, the Authority will reach one of three decisions:

Grant of consent:

1.109. The application will be granted where it has passed all Stage 1 criteria and, on balance, the assessment of the Stage 2 criteria demonstrates that the proposal will have a net positive or neutral impact on the area. The Consent will be issued for a specified period and will be subject to the Authority's standard conditions.

1.110. The application will be granted subject to standard conditions. Additionally, where the assessment has identified potential negative impacts that can be acceptably mitigated. This is expected to be a common outcome. Conditions may include, but are not limited to:

a. Restrictions on trading hours or days of operation.

b. Specific requirements for waste disposal.

c. Limits on noise levels or a prohibition on the use of generators.

d. Required modifications to the trading unit's location, size, or appearance.

e. Prohibition of tables, chairs, or A-boards on the public highway.

1.111. Where it has been determined to grant the consent, before the consent is issued the following must be provided:

a. the appropriate fee

b. evidence of a commercial waste contract

c. evidence of public liability insurance

Refusal of consent:

1.112. The application will be refused where:

a. It fails to meet one or more of the Eligibility Criteria in Stage 1.

b. The Stage 2 Assessment concludes that the proposal would have an unacceptable and detrimental impact on the policy objectives (Section 6), and these impacts cannot be mitigated through the imposition of conditions.

1.113. In all cases, the applicant will be provided with a written Decision Notice outlining the outcome and, in the case of a refusal or the imposition of non-standard conditions, the specific criteria and reasons that led to the decision. The Decision Notice will also provide details of the appeals process.

Appeals against decisions

1.114. There is no statutory right of appeal to a Magistrates' Court against the refusal, revocation, or variation of a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982.

1.115. In accordance with the Council's Constitution, an applicant or existing consent holder (the "Appellant") may appeal against a decision at Stage 2 by an authorised officer regarding:

a. The refusal to grant or renew a street trading consent

b. The attachment of specific conditions to a consent that the applicant considers unreasonable.

1.116. There is no right of appeal against decisions taken at Stage 1 to reject applications for technical reasons.

1.117. An appeal must be lodged in writing to the Licensing Unit within 21 days of the date of the original decision notice.

1.118. The Appellant must clearly state the grounds upon which the appeal is made (e.g. a failure to follow policy, factual error, or the disproportionate nature of the decision).

1.119. Any supporting evidence or written representations the Appellant wishes the Committee to consider must be submitted at this stage.

The Appeal Hearing

1.120. The appeal will be considered by way of a hearing before the Council's Licensing and Appeals Committee Hearing Panel, conducted in accordance with a standard procedure.

1.121. The Appellant will be invited to attend the hearing and may be represented by a legal advisor or a friend.

1.122. The Licensing Officer will attend the hearing and may invite any persons that made representations during the consultation process.

1.123. The Committee has the power to:

a. Uphold the original Officer decision

b. Overturn the decision and grant/reinstate the Consent

c. Vary the conditions of the Consent

Economic impact considerations

1.124. In accordance with the requirements of the Provision of Services Regulations 2009 and the European Services Directive (2006/123/EC), the Licensing Authority will not consider any actual or perceived economic impact of a proposed street trading activity on existing businesses or market operators. This includes, but is not limited to:

- **a.** The potential for commercial competition;
- **b.** The effect on the turnover, profitability, or viability of neighbouring premises;
- **c.** The duplication of goods or services already available in the area;
- **d.** Any assessment of market demand or economic need.

1.125. Decisions will be based solely on lawful, objective, and non-discriminatory criteria, including considerations of public safety, prevention of nuisance, suitability of the location, and alignment with local place-making and public realm objectives.

Consent Holder requirements

Insurance

1.126. The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

1.127. The insurance must be maintained throughout the period of the consent, and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

1.128. If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.

Removal of waste

1.129. Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal commercial arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Making full use of the consent

1.130. Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Council in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance.

1.131. Consent holders must inform the Council of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may withdraw the consent.

1.132. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

Sub-letting consents

1.133. Consent holders are not permitted to sub-let their licensed pitch under any circumstances. Where this is found to be the case, the consent will be revoked.

Mobile Traders - specific controls

1.134. The following requirements will apply to mobile traders:

a. Traders will be subject to a maximum stay per location: typically, no more than 15 minutes at any one location.

b. Mobile traders (e.g. ice cream vans) must move on after serving customers.

c. Traders cannot remain stationary unless actively trading.

d. Traders must submit a list of proposed streets, times, and days.

e. Each location is assessed individually for suitability.

f. Traders may be required to keep GPS or location logs if needed for enforcement.

g. Traders shall not be permitted to return to the same location or street on the same day (to prevent quasi-permanent trading).

h. Trading hours will typically be restricted to 12:00 noon to 7:00 pm to avoid disturbance.

Ice Cream Van Noise Control (Chimes)

1.135. In line with government code of practice on noise from ice cream van chimes, chimes must:

a. Not sound for more than 12 seconds.

b. Not be used more than once every 2 minutes.

c. Not be used when stationary at a selling point.

d. Not exceed 80 dB at 7.5 metres.

e. Not be used within 50 metres of schools, hospitals, or places of worship on Sundays or other recognised days of worship

Renewal of consents

1.136. Applications for the renewal of an existing consent will be accepted within 8 weeks prior to the expiration date of the consent.

1.137. The Licensing Unit will remind holders that their consent is due to expire at least 8 weeks prior to the expiry date. This is done to assist the trader, and the Council accepts no liability if the trader does not receive the reminder. It is the trader’s responsibility to ensure that they have the correct consent, to submit their application prior to the expiry of their current consent, and to update the Licensing Unit should their contact details change.

1.138. The Council has adopted an assessment framework with a limited presumption of renewal. This is only a presumption of renewal and not a guarantee. There may be circumstances in which a renewal is not granted. Aside from failures to comply with consent conditions, examples include failing to make full use of the previous consent, and where changes to the locality since the original consent was granted mean that a first consent would not, at the time of renewal, have been granted for trading in that location, or otherwise where this policy’s criteria for granting a consent are no longer met.

1.139. In applying this policy, the Council will adopt the agent of change principle, insofar that:

a. Established traders will not normally be penalised or refused renewal solely because new sensitive uses (such as residential development, offices, or other premises) have been introduced nearby.

b. Complaints from new uses will be considered, but the Council will give significant weight to the trader's established presence and the presumption of renewal.

Surrender of consents

1.140. Holders should notify the Licensing Unit of their intention to surrender a consent by email to premises.licensing@manchester.gov.uk

Temporary relocation

1.141. Where a pitch becomes temporarily unsuitable for any reason, the Council will seek to relocate holders to an alternative pitch in liaison with them. The council will not be liable for any loss of earnings and will be under no obligation to find an alternative pitch. Where agreement cannot be reached on relocation, consideration needs to be given by the holder in terms of giving notice for the consent and by the Council in terms of revocation.

Succession rights for holders

1.142. Street trading consent holders can nominate a relative who may apply for a street trading consent on the same terms and conditions as the consent they held, should they die, retire from the age of 60, or be unable to continue street trading due to certified medical reasons.

1.143. If the nominee applies for a street trading consent on the same terms and conditions as the previous consent within 28 days of the consent holder passing away or surrendering their consent, we will not grant a consent to any other person.

1.144. The relative may be the wife, common law wife, husband, common law husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the consent holder

1.145. Alternatively, the nominee may be a current employee of the consent holder who has worked for the holder for at least five years at the time that they apply for the street trading consent.

Revocation of consents

1.146. The policy will also be considered by the Council when considering whether to revoke an existing authorisation.

1.147. The Council reserves the right to revoke a Street Trading Consent at any time where there is reasonable cause to do so. Under Paragraph 7(10) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Council may revoke a consent at any time.

1.148. Objective grounds for revocation include, but are not limited to:

a. Breach of Conditions: Persistent or serious failure to comply with the standard or specific conditions attached to the Consent (e.g., trading outside permitted hours or exceeding the pitch footprint).

b. Public Safety & Nuisance: Evidence that the trading activity is causing a significant obstruction, a risk to highway safety, or a persistent public nuisance (noise, litter, or fumes) that cannot be mitigated.

c. Non-Payment of Fees: Failure to pay the required street trading fees in accordance with the Council’s payment schedule.

d. Unsuitability: Information coming to light regarding the Consent Holder’s conduct or criminal convictions that renders them unsuitable to continue trading in the public realm.

e. Loss of Right to Work: Confirmation that the Consent Holder no longer has a valid right to work in the UK.

1.149. Where an authorised Officer determines that a Consent should be revoked, a formal Notice of Revocation will be served on the Consent Holder.

1.150. A standard revocation will typically take effect 21 days after the date of the notice to allow for the lodging of an appeal.

1.151. Where a revocation is necessary in the interest of public safety or public health (for example, a "0" or "1" Food Hygiene rating or a serious highway hazard), the revocation shall take effect immediately upon service of the notice.

1.152. In accordance with the Council's Constitution, any decision to revoke a Consent by an Officer may be appealed to the Licensing and Appeals Committee. The process for lodging such an appeal will be detailed in the Notice of Revocation.

1.153. Unless the revocation was made on immediate safety grounds or due to the loss of the consent holder's right to work in the UK, the trader may typically continue to trade pending the outcome of the appeal hearing, subject to any interim conditions imposed by the Licensing Unit.

Enforcement

1.154. Manchester City Council has formally adopted the central and local government Concordat on Good Enforcement. This means that we will be open, helpful and fair to ensure that any enforcement action is proportionate to the risks.

1.155. Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims may be pursued, nor to assist such claims.

Prevention

1.156. We believe that the first step in enforcement is to help prevent contravention of the law by raising awareness and promoting good practice.

1.157. We will provide written guidance on aspects of the law and will be happy to discuss and explain requirements with customers and members of the public.

Inspections

1.158. We will:

a. arrange routine inspections

b. carry out unannounced inspections

c. act on information received, or

d. make enquiries about a specific complaint

Inspection Frequency

1.159. We will attempt to direct our efforts towards those sectors, businesses or individuals whose activities impact most on the safety, health or wellbeing of the community at large, on vulnerable groups or individual people.

1.160. We will assess these risks in a consistent and objective manner, and take into account such things as:

a. the nature and history of the business

b. the procedures and controls it has in operation

c. the renewal date of any consent

Informal action

1.161. We will use our best efforts to resolve any issues where the law may have been broken without necessarily immediately referring the matter to the courts. This will be our first option when the circumstances indicate that a minor offence may have been committed and we are confident that appropriate corrective action will be taken.

1.162. During inspections and following investigations about specific complaints: • minor technical breaches will be dealt with informally by the officer giving information, advice or guidance

1.163. formal action will be taken where it is an absolute offence, there is an immediate threat to human health and the environment, the breach is serious or the circumstances are exceptional

1.164. Wherever possible or requested, advice or guidance will be given in writing with a distinction made between legal requirements and best practice. An opportunity will be given to discuss the matter, and any rights of appeal, complaint or further representation will be advised.

Prosecution

1.165. Where the circumstances warrant it and the alternative actions mentioned previously in this section are considered inappropriate, then prosecution may result.

1.166. We will consider the following factors when deciding whether or not to prosecute:

1.167. Where a trader has failed to act appropriately upon advice or warnings given by our officers;

- **a.** there is flagrant/reckless disregard for the law or repeated breaches; • the offence is a serious one;
- **b.** the attitude of the offender towards the offence;
- **c.** the offender's history of previous behaviour;
- **d.** the deterrent effect of a prosecution, on the offender and others;
- **e.** whether a formal caution would be more appropriate.

1.168. To ensure that fair and consistent decisions are made regarding prosecutions any decision to prosecute takes account of the Code for Crown Prosecutors.

1.169. We will during the investigation, usually give the offender the opportunity to be interviewed, with legal representation if they so wish, and give due regard to any statutory defences, explanations or mitigation.

1.170. The Human Rights Act 1998 introduced an obligation on public authorities to act consistently with the Articles of the European Convention on Human Rights. These articles confer rights on an individual for example it confers a right of respect for a person’s home, other land and business assets.

1.171. However, the Council's use of enforcement powers in respect of street trading offences is a justified interference with these rights if it is in accordance with the law, in the public interest and proportionate.

Guidelines Relating to the Relevance of Convictions for Street Trading Consent Applications

1.172. In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

General Policy

1.173. The policy and guidelines relate to applications for the grant or renewal of a Street Trader Consent, as well as current holders of those authorisations.

1.174. In considering evidence of an applicant's good character and fitness to hold a street trader consent where unspent convictions, other information relating to criminal matters or information is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.

1.175. The Council has adopted the following guidelines relating to the relevance of unspent convictions to which it refers in determining applications for Street Trader Consent.

1.176. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual's application. When deciding whether any action should be taken. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.

1.177. There may be occasions when it is appropriate to depart from the general policy, for example, where the offence is an isolated one with mitigating circumstances or where an unspent conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a Street Trader Consent will normally be refused.

1.178. Each case will be decided on its own merits and the Council will assess whether an applicant for the grant or renewal of a Street Trader Consent is a suitable person to hold or to continue to hold a Street Trader Licence or Consent.

1.179. In considering evidence of an applicant's good character and fitness to hold a Street Trader Consent, the Council will consider unspent convictions or conduct of such persons and will take into consideration the following:

a. whether the conviction/incident is relevant;

b. the seriousness of the offence/incident;

c. the length of time since the offence/incident occurred;

d. whether there is a pattern of offending behaviour/similar conduct;

e. whether that person's circumstances have changed since the offence/incident occurred; and the circumstances surrounding the offence/ incident and the explanation offered by that person.

1.180. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

1.181. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences involve children or young persons.

1.182. Whilst the guidelines may suggest particular periods where an application is unlikely to be granted the Council may only take into account matters which are unspent under the provisions of the Rehabilitation of Offenders Act 1974.

Guidelines

1.183. The following are given as guidance to the Council's general approach to certain categories of offences.

Dishonesty

1.184. Holders of a Street Trader Consent must be persons who can be trusted. It is easy for a dishonest trader to take advantage of the public. Members of the public using a street-trading outlet expect the street trader to be honest and trustworthy. For these reasons a serious view will be taken of any unspent conviction involving dishonesty. In general, an applicant for the grant or renewal of a Street Trader Consent is unlikely to be granted a Street Trader Consent where the application is made within 3 to 5 years of a conviction or the date of release from a period of imprisonment.

Violence

Offences of violence involving Children (under 14 years) and Young Persons (aged 14 to 17)

1.185. Street traders will often come into contact with children and young persons. It is comparatively easy for an unscrupulous street trader to take advantage of such vulnerable persons.

1.186. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

1.187. In relation to where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of 5 to 10 years free of unspent conviction or the date of release from jail where a custodial sentence has been imposed for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

Offences against persons other than children and young persons

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

Drugs

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

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

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

Sexual and Indecency Offences

Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

1.192. As the holders of Street Trader Consent (for example those who sell ice cream), have access to children, applicants who have unspent convictions for rape, indecent assault, any sexual offence involving children and any unspent conviction for an offence under the Sexual Offences Act 2003 will normally be refused a Street Trader Consent.

Offences against persons other than children and young persons

1.193. Where an applicant has an unspent conviction for a sexual offence such as indecent exposure they will normally be refused a Street Trader Consent until they can show a substantial period usually between 5 and 10 years free of any such convictions from the date of conviction or the date of release from jail where a custodial sentence has been imposed.

1.194. After a period of 5 years from conviction or the date of release from jail, where a custodial sentence has been imposed, consideration will be given to the circumstances of the offence and any evidence to show that an applicant is a suitable person to hold a Street Trader Consent

1.195. When considering applications, the Council may take into account any information of a sexual nature which does not amount to a criminal offence that is brought to its attention where that information may indicate that an applicant may not be a suitable person to hold a Street Trader Consent In cases where the Council considers that information shows an applicant is not a suitable person, it will normally require a period of not less than 5 years free of such incidents from the date on which the incident occurred or, if more than one from the date of the last incident.

Motoring convictions

1.196. In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a Street Trader Consent is a suitable person.

1.197. However, there may be instances where the nature of the street trading is such that, by its very nature the applicant is required to drive (for example ice cream sellers) or the offences are of a very serious nature. In those cases, an applicant for a Street Trader Consent would be expected to show a period usually between 3 and 5 years free of any such convictions from the date of conviction or the date of release from jail, where a custodial sentence has been imposed.