



**MANCHESTER
CITY COUNCIL**

(1) Statement of Policy

And

**(2) Guidelines Relating to the
Relevance of Convictions**

**for Street Trading Licence and Consent
Applications**

Effective from	9 May 2012
Resolution on prohibited, licence and consent streets passed by Council	28 March 2012
Licensing & Appeals Committee	28 November 2011

Statement of Policy for Street Trading Licence and Consent Applications	3
1. Introduction	4
2. Background.....	4
3. Policy	7
4. Enforcement	13
Prohibited, Licence and Consent Streets for the Purpose of Street Trading..	17
Prohibited Streets	17
Licence Streets	19
Consent Streets	19
Guidelines Relating to the Relevance of Convictions for Street Trading	
Licence and Consent Applications	29
General Policy	30
Guidelines.....	32
a. Dishonesty	32
b. Violence	32
c. Drugs	33
d. Sexual and Indecency Offences	34
e. Motoring convictions	35
f. Other convictions	36
g. Formal cautions and penalty notices	36
h. Complaints against Licence / Consent Holders or Licence or Consent Holder Assistants.....	36

Statement of Policy for Street Trading Licence and Consent Applications

1. Introduction

- 1.1. Manchester is a vibrant multi-cultural City with a diverse range of shopping experiences. Manchester City Council (the Council) seeks to create a street trading environment which compliments premises based trading, is sensitive to the needs of residents, provides diversity and consumer choice, enhances the character, ambiance and safety of local environments and complies with all relevant legislation.
- 1.2. Section 2 of this document gives a brief overview and summary of the background to the street trading regime.
- 1.3. Section 3 details the policy considerations which the Council will take into account when determining applications for street trading licences or consents under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (hereafter referred to as the Act).
- 1.4. Section 4 outlines the Council's approach to enforcement of Street Trading activities.

2. Background

- 2.1. On 28 November 1989 the Council adopted Schedule 4 of the Act which allowed the Council to regulate trading on the street by a system of licences and consents. As the City has grown in size the dynamics of the City have changed and the Council has progressively designated streets as either consent, licence or prohibited streets. A street is defined in the Act as "any road, footway, beach or other area to which the public have access without payment".
- 2.2. Therefore, subject to the statutory exceptions briefly described at paragraph 2.4, this means that:
 - street trading cannot take place on a prohibited street

- street trading can only take place on a licence street under and in accordance with a licence issued by the Council
 - street trading can only take place on a consent street under and in accordance with a consent issued by the Council
- 2.3. A map showing the current prohibited, licence and consent streets in Manchester is at **Annex A (this map shows the current designated streets and the proposed amendments, the final agreed map and designated streets will be added after the consultation)**
- 2.4. The statutory exceptions from these controls on street trading include:
- 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)
 - anything done in a market or fair
 - trading in a trunk road picnic area as defined in section 112 of the Highways Act 1980
 - trading as a news vendor (newspapers and periodicals)
 - trading which is carried on at premises used as a petrol filling station
 - 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
 - acting as a roundsman (for example a milkman)
- 2.5. The Manchester City Council Act 2010, which came into force on 8th April 2010, modified the Act as follows:
- extended the scope of the Act to allow the City Council to regulate the provision of services as well as the sale of goods;

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

2.6. The Act provides that the Council may take into account different matters when considering an application for a licence than those which it may take into account when considering an application for a consent.

2.7. Consultation

The Council will consult with interested parties prior to any new/renewal applications for street trader licence or consents. These will include:

- Occupiers of premises immediately adjacent and opposite
- Local Ward Councillors and Ward Co-ordinators.
- Manchester City Council – Highways Division
- Manchester City Council– Environmental Health
- Manchester City Council – Planning.
- Manchester City Council – Corporate Property
- Greater Manchester Police
- Any other interested parties

3. Policy

3.1. The Act provides that the Council must grant an application for a street trading licence to a person aged 17 years or over unless they consider that the application ought to be refused on one or more of grounds including:

3.1.1. That there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street

3.1.2. That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade

3.1.3. That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason

3.1.4. 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

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

3.2. The Act provides that the Council may grant an application to a person aged 17 years or over for a street trading consent if they see fit.

3.3. The Act also provides that, on the grant of a licence or a consent the Council may attach conditions to that licence or consent in order to ensure that trading is carried out in an appropriate manner. The

standard conditions which will normally be attached to a licence or a consent are available from the Licensing Unit.- attach as an appendix

- 3.4. There is a right of appeal to the Magistrates' Court against the refusal of an application for a licence. There is no right of appeal to the Magistrates' Court against the refusal of an application for a consent, however in certain circumstances an appeal may be made to the Licensing and Appeals Committee of the Council. Applicants will be advised of their appeal rights should their application be unsuccessful.
- 3.5. Whilst the statutory grounds differ between a licence and a consent, the policy applies equally to applications for both types of authorisation. The policy will also be taken into account by the Council when dealing with applications for the renewal of an existing authorisation, and when considering whether to revoke an existing authorisation.
- 3.6. The policy is intended give guidance on the statutory grounds for refusal however this policy is not intended to fetter the City Council's discretion, and each case will be determined on its own merits.
- 3.7. The aims of the policy are to:
 - Ensure that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways.
 - Ensure that traders and people that they employ are suitable to undertake the activities applied for and do not pose a threat to the public
 - Ensure that trading does not cause an unreasonable disturbance to residents and businesses
 - Ensure that trading is carried out in a manner that protects public health

3.8. Ensuring that street trading is properly regulated and only takes place in appropriate locations, at appropriate times and in appropriate ways.

3.8.1. The Council is concerned to minimise the impact of street trading on the immediate vicinity of a street trading site, and as such applications for licences or consents will usually be refused where:

- road safety may be compromised either by the location of the trading activity itself, or from customers visiting or leaving the site
- there is insufficient space in the street for street trading to be engaged without causing undue interference or inconvenience or risk to persons using the street
- there would be a significant loss of amenity caused by additional traffic, disturbance (e.g. noise, odour or fumes, etc.);
- there is already adequate provision of similar goods in the vicinity of the proposed site to be used for street trading purposes
- there is a potential conflict with Traffic Management Orders such as waiting restrictions
- the proposed site obstructs vehicular access, or traffic flows, or interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities
- street trading in a particular location may contribute to crime and disorder in the vicinity
- Applications which relate to the sale of alcohol will usually be refused
- On 1 June 2009 the City Council adopted a separate policy regarding the sale of fireworks. Anybody wishing to apply for a licence or a consent, which relates to the sale of fireworks

should refer to that policy, which will be taken into account (in addition to this policy) when determining such applications.

3.9. Ensure that traders and people that they employ are suitable to undertake the activities applied for and do not pose a threat to the public

3.9.1. The Council is concerned to ensure that traders do not pose a threat to the public; that the public are protected from dishonest persons; and that children and young persons are sufficiently safeguarded. The Council expects traders to ensure that the people that they employ also do not pose a threat to the public etc.

3.9.2. The Conviction Guidance at Annex B, which forms part of this policy, is intended to give guidance on whether an applicant is unsuitable to hold an authorisation by reason of having been convicted of an offence.

3.9.3. The Council will require all applicants for a licence or a consent to complete a statutory declaration (which is a formal document, sworn in the presence of a solicitor) giving details of all their unspent convictions, formal cautions, and fixed penalties and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

3.9.4. The information will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in reaching a determination on that matter. Information received will be kept in strict confidence while the licensing process takes its course, and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application

is determined or any appeal against such determination is decided.

3.9.5. The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining an authorisation. Whether or not an applicant will be granted an authorisation will depend upon whether or not they can satisfy the Council that, if granted an authorisation, that the aims of this policy will not be undermined.

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

3.9.7. Annex B does not deal with every type of offence, and does not prevent the Council from taking into account offences which are not specifically addressed, or other conduct which may be relevant to an individual's application. If an applicant has a conviction for an offence not covered by Annex B, regard will be had to the factors at paragraph 3.6. when deciding whether any action should be taken. Offences described in Annex B and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with Annex B.

3.10. Ensure that trading does not cause an unreasonable disturbance to residents and businesses

3.10.1. The council is concerned to ensure that trading does not cause an unreasonable disturbance to residents and businesses in

the vicinity of a trading site and as such applications for licences or consents will usually be refused where:

- 3.10.2. there would be a significant loss of amenity caused by additional traffic, disturbance (e.g. noise, odour or fumes, etc.);
- 3.10.3. A street trader unit at this site would cause a significant increase in traffic, from customers;
- 3.10.4. A street trader unit at this site would cause an unreasonable noise disturbance to residents/businesses from customers gathered at the unit;
- 3.10.5. The proposed food to be sold from the unit would cause unreasonable disturbance to the residents/businesses from fumes or odours;
- 3.10.6. The type of street trader and /or goods/food to be sold would detract from the street scene or ambiance of the area.

3.11. Ensure that trading is carried out in a manner that protects public health

- 3.11.1. The Council is concerned to ensure that street trading is carried out in a manner that protects public health, and as such applications for licences or consents will usually be refused where:
 - Street trading could give rise to a statutory nuisance under the Environmental Protection Act 1990;
 - the street trader could not adequately address the consequences of litter in the area;
 - the street trader could not adequately address disposal of commercial waste.

4. Enforcement

4.1 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.

4.2 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.

4.3 Prevention

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

4.3.2 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.

4.4 Inspections

4.4.1 We will:

- arrange routine inspections
- carry out unannounced inspections
- act on information received, or
- make enquiries about a specific complaint

4.5 Inspection Frequency

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

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

- the nature and history of the business
- the procedures and controls it has in operation
- the renewal date of any licence or permit

4.6. Informal action

4.6.1 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.

4.6.2 During inspections and following investigations about specific complaints:

- minor technical breaches will be dealt with informally by the officer giving information, advice or guidance
- 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

4.6.3 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.

4.7 Prosecution

- 4.7.1 Where the circumstances warrant it and the alternative actions mentioned previously in this section are considered inappropriate, then prosecution may result.
- 4.7.2 We will consider the following factors when deciding whether or not to prosecute:
- Where a trader has failed to act appropriately upon advice or warnings given by our officers;
 - there is flagrant/reckless disregard for the law or repeated breaches;
 - the offence is a serious one;
 - the attitude of the offender towards the offence;
 - the offender's history of previous behaviour;
 - the deterrent effect of a prosecution, on the offender and others;
 - whether a formal caution would be more appropriate.
- 4.7.3 To ensure that fair and consistent decisions are made regarding prosecutions any decision to prosecute takes account of the Code for Crown Prosecutors.
- 4.7.4 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.
- 4.7.5 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 persons home, other land and business assets. 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.

Prohibited, Licence and Consent Streets for the Purpose of Street Trading

Prohibited Streets

City Centre

The area known as St Ann's Square and Exchange Street from the junction of St Ann's Square with St Ann's Street along its length and including Exchange Street along its length to its junction with St Mary's Gate and where the said area is bounded by a street throughout the length thereof which forms the boundary.

The area known as King Street from Cross Street along its length to Deansgate and where the said area is bounded by a street throughout the length thereof which forms the boundary.

Market Street and St Mary's Gate

Piccadilly

New Cathedral Street

Exchange Square

Hulme, Ardwick, Moss Side

Oxford Road (except for the pavement area directly in front of Grosvenor Park).

Bradford, Ancoats & Clayton

Aintree Street

Albert Street

Archer Street

Ashton New Road (to the junction of Edge Lane)

Bank Street

Barking Street

Bradford Road (from Alan Turing Way to Barking Street)

Briscoe Lane (from Alan Turing Way to Ten Acre Lane)

Bronx Street

Brookshaw Street

Butterfly Street

Cambrian Street (from Ashton New Rd to junction of Philips Park Road)

Cantrell Street
Clague Street
Clayton Lane
Colliery Street
Corbet Street
Councillor Street
Croft Street
Darley Street
Edwin Road
Fairclough Street
Gibbon Street
Grey Mare Lane
Gwelo Street
Howarth Street
Hulme Hall Lane and Alan Turing Way (from the Rochdale Canal to Pottery Lane)
Kinloch Street
Linfield Street
Mill Street Wilson Street [from Holroyd Street to Clayton Lane]
New Viaduct Street
Orme Street
Palmerston Street (from Albert Street to the junction of Viaduct Street)
Philips Park Road
Quinn Street
Riverpark Road
Rowsley Street
Score Street
Side Street
Simpson Street
Sledmere Close
Still Water Drive
Stuart Street East
Stuart Street
Willdale Close

Cheetham

A56 Trinity Way to Chapel Street Hunts Bank
A665 Park Street to Millar Street
Cheetham Hill Road
Dutton Street to Park Street and Robert Street
Park Street to Shaw Street
Trinity Way from A56 junction to Cheetham Hill Rd Junction (including the junctions themselves)
Victoria Station Approach up to Corporation Street
Walkers Croft

Wythenshawe

All streets within the area bounded by Simonsway, Brownley Road, Poundswick Lane and Crossacres and where the said area is bounded by a street the designation includes the whole of the street throughout the length thereof which forms the boundary and including all forecourts, roads, footways or other areas adjacent to the streets, referred to in this resolution for a distance of 30 metres.

Licence Streets

City Centre

All streets within the area bounded by the River Irwell, Regent Road, Dawson Street, Egerton Street, Mancunian Way, London Road, Travis Street, Sheffield Street, a line drawn between the junction of Baird Street and Sheffield Street and the junction of Sparkle Street and Chapeltown Street, Sparkle Street, Store Street, Great Ancoats Street, Redhill Street, Bengal Street, Oldham Road, Thompson Street, Rochdale Road, Gould Street, Dantzic Street, Victoria Station to Miles Platting Railway line, Cheetham Hill Road and Trinity Way (formally New Bridge Street) and where the said area is bounded by a street the designation includes the whole of the street throughout the length thereof which forms the boundary and including all forecourts, roads, footways or other areas adjacent to the streets referred to in this resolution for a distance of 30 metres but excluding any land or streets in the ownership or control of the British Railways Board, such area being indicated in the plan.

Consent Streets

Any Street not identified as Prohibited or Licence Street can be considered for applications for Street Trading Consents

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

Approved and adopted	
Licensing & Appeals Committee	

NOTE: 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

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

1. In considering evidence of an applicant's good character and fitness to hold a street trader licence or 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.
2. The Council has adopted the following guidelines relating to the relevance of unspent convictions to which it refers in determining applications for Street Trader Licence or Consent.
3. 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.
4. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations 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 Licence or Consent will normally be refused.

5. Each case will be decided on its own merits and the Council will assess whether:
 - a. an applicant for the grant or renewal of a Street Trader Licence or Consent is a suitable person to hold or to continue to hold a Street Trader Licence or Consent.
6. In considering evidence of an applicant's good character and fitness to hold a Street Trader Licence or 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.
7. 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)*]. (already quoted above)
8. 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.
9. 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. The following are given as guidance to the Council's general approach to certain categories of offences.

- a. **Dishonesty**

Holders of a Street Trader Licence or 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 Licence or Consent is unlikely to be granted a Street Trader Licence or Consent where the application is made within 3 to 5 years of a conviction or the date of release from a period of imprisonment.

- b. **Violence**

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

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.

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.

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.

ii. **Offences against persons other than children and young persons**

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 Licence or 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.

c. **Drugs**

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 Licence or Consent will be taken into consideration.

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 Licence or Consent.

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.

d. Sexual and Indecency Offences

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

- (i) As the holders of Street Trader Licence or 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 Licence or Consent

2. Offences against persons other than children and young persons

- (i) Where an applicant has an unspent conviction for a sexual offence such as indecent exposure they will normally be refused a Street Trader Licence or 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.
- (ii) 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 Licence or Consent

- (iii) 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 Licence or 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.

e. Motoring convictions

In most cases, motoring offences are unlikely to be relevant when deciding if an applicant for a Street Trader Licence or Consent is a suitable person. However, there may be instances where the nature of the street trading is such that, by it's 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 Licence or 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.

f. Other convictions**Schedule 4 Local Government (Miscellaneous Provisions) Act 1982**

The Council takes a serious view on applicants who have been convicted of offences under the 1982 Act. In particular, an applicant will normally be refused a street trading licence or consent if they have been convicted of an offence under the 1982 Act at any time during the 2 years preceding the application or have more than one conviction within the last 5 years preceding the date of the application.

g. Formal cautions and penalty notices

For the purposes of these guidelines, the Council will take into account cautions and penalty notices. These are not subject to the Rehabilitation of Offenders Act 1974 and are never spent. However the longer the period since the caution/penalty notice was imposed the less relevance it is likely to have.

h. Complaints against Licence / Consent Holders or Licence or Consent Holder Assistants

For the purpose of these guidelines where complaints have been received in respect of a Street Trader Licence or Consent holder or a Street Trader Licence or Consent holder's assistant the Council may review the same. This may be for instance where the Council has received complaints about customer service or nuisance. In determining complaints the Council will take into consideration whether the complaint is a single isolated complaint and/or any history of complaints.



MANCHESTER
CITY COUNCIL

Licensing Business Unit

Telephone: +44 (0)161 234 4917 / 4921

taxi.licensing@manchester.gov.uk

P O Box 271, Manchester M18 8YU

Street Trading Licence Conditions

1. The holder of a street trading licence shall confine his trading to the street and place as specified in the licence and shall not encroach beyond those specified limits. The holder of a street trading licence is permitted to trade only on the days and times as specified in the licence.
2. The holder of a street trading licence is permitted to trade only in the articles as stipulated in the licence and no other.
3. The holder of a street trading licence may only trade from the size and type of stall as specified in the licence.
4. The holder of a street trading licence shall ensure that any van or other vehicle, stall, barrow or cart used for street trading, shall not operate on the carriageway of any highway, which is a licence street that is subject to waiting and/or loading restrictions.
5. The holder of a street trading licence shall confine his area of trading so that it does not extend beyond the area of the stall/vehicle or unit used to trade. The trading area shall not differ from that shown in the photo attached to the licence.
6. The van or other vehicle, stall, barrow or cart or any accessories attached to it shall not cause damage to the street.
7. The holder of a street trading licence shall ensure that any van or other vehicle, stall, barrow or cart used for street trading does not obstruct the street or cause any danger to persons using the street.
8. The holder of a street trading licence shall ensure that no part of any van or other vehicle, stall, barrow or cart used for street trading, which stands on the carriageway, projects over the footway.

9. The holder of a street trading licence shall ensure that no property, building or structure on or adjacent to any street in which street trading is carried out is defaced or interfered with.
10. The holder of a street trading licence shall ensure that no advertisement boards are placed on the highway and no posters or advertisements are displayed on any street furniture.
11. The holder of a street trading licence shall ensure that his van or other vehicle, stall, barrow or cart is kept clean and maintained in good repair, including the paintwork and fixtures and fittings associated with it (such as umbrellas and canopies), to the satisfaction of the Council.
12. The holder of a street trading licence shall display the street trading licence and photograph issued by the Council on the van or other vehicle, stall, barrow or cart used by the licence holder, in such a manner that it can, at all times be easily read by persons attending at the van or other vehicle, stall, barrow or cart.
13. The holder of a street trading licence shall avail himself of the licence to a reasonable extent by personally attending at the van or other vehicle, stall, barrow or cart during the days and between the times he is permitted to trade unless he has a reasonable excuse for failing to do so.
14. The holder of a street trading licence shall give at least seven days prior written notification to the Council of any intended absences and their duration. Such a notification shall include proposed arrangements for the management of the van or other vehicle, stall, barrow or cart in his absence.
15. The holder of a street trading licence shall wear the Manchester City Council issued identification badge, at all times, when in attendance at his van or other vehicle, stall, barrow or cart.
16. Where a licence is held by more than one person each person named on the licence shall be held equally responsible for any breach of terms or conditions of a Street Trading Licence
17. The holder of a street trading licence will take all reasonable steps to ensure that any assistant he is employing is a suitable person, having regard to the Council Street Trading Policy and Guidelines relating to Convictions.

18. The holder of a street trading licence shall be personally responsible in ensuring that the day to day running of the van or other vehicle, stall, barrow or cart complies with the Council policy and conditions relating to a street trading licence at all times.
19. The holder of a street trading licence shall ensure that, where assistants are employed, adequate training and systems are in place to ensure that the day to day running of the van or other vehicle, stall, barrow or cart complies with the Council policy and conditions relating to a street trading licence at all times.
20. The holder of a street trading licence shall ensure that only those people who have been notified to the Council to act as the licence-holder's assistants take part in trading from the van or other vehicle, stall, barrow or cart.
21. The holder of a street trading licence shall ensure that assistants do not trade from the van or other vehicle, stall, barrow or cart in his absence unless the licence-holder has first obtained written agreement of the Council to allow them to do so.
22. The holder of a street trading licence and his assistants shall wear clean, presentable work clothes appropriate for the trade carried on.
23. The holder of a street trading licence shall supply written details of his arrangements for the collection and proper disposal of the refuse arising from his trading upon request by an authorised officer of the Council or a Police Officer.
24. The holder of a street trading licence shall not allow any refuse arising from his trading or any other items associated with his business to be present on the highway or pavement at any time.
25. The holder of a street trading licence shall not allow unreasonable noise to be made which may cause nuisance or annoyance to persons using the street in which trading is carried out.
26. The holder of a street trading licence shall remove immediately after unloading all cartons, boxes, barrows or other conveyances. No cartons, boxes or other articles whatsoever shall be permitted to project around any van or other vehicle, stall, barrow or cart.

27. The holder of a street trading licence shall not allow fumes to be emitted to the nuisance or annoyance of persons using the street or occupying premises in the street.
28. The holder of a street trading licence shall provide a drip-tray to catch oil deposits from any van or other vehicle, stall, barrow or cart, which is a motor-powered vehicle used for the purpose of street trading.
29. The holder of a street trading licence or his assistants shall, if required by any person having reasonable cause, immediately remove the van or other vehicle, stall, barrow or cart and goods used for street trading for so long a period as may be necessary to prevent obstruction or hindrance to any premises.
30. The holder of a street trading licence or his assistants shall, if required to do so by a Constable or Fire Officer or a duly authorised officer of the Council, in the event of an emergency or in the exercise by the Council of any of its powers and its duties, remove the van or other vehicle, stall, barrow or cart and goods used for street trading for so long as it may be necessary.
31. The holder of a street trading licence shall notify the Council of any change to his address within three weeks of the date of the change.
32. The holder of a street trading licence shall, on being requested to do so by a police officer or a duly authorised officer of the Council, produce for inspection his street trading licence and shall furnish his name and address.



Street Trading Consent Conditions

1. The holder of a street trading consent shall confine his trading to the street and place as specified in the consent and shall not encroach beyond those specified limits. The holder of a street trading consent is permitted to trade only on the days and times as specified in the consent.
2. The holder of a street trading consent is permitted to trade only in the articles as stipulated in the consent and no other.
3. The holder of a street trading consent may only trade from the size and type of stall as specified in the consent.
4. The holder of a street trading consent shall ensure that any van or other vehicle, stall, barrow or cart used for street trading, shall not operate on the carriageway of any highway, which is a consent street that is subject to waiting and/or loading restrictions.
5. The holder of a street trading consent shall confine his area of trading so that it does not extend beyond the area of the stall/vehicle or unit used to trade. The trading area shall not differ from that shown in the photo attached to the consent.
6. The van or other vehicle, stall, barrow or cart or any accessories attached to it shall not cause damage to the street.
7. The holder of a street trading consent shall ensure that any van or other vehicle, stall, barrow or cart used for street trading does not obstruct the street or cause any danger to persons using the street.
8. The holder of a street trading consent shall ensure that no part of any van or other vehicle, stall, barrow or cart used for street trading, which stands on the carriageway, projects over the footway.
9. The holder of a street trading consent shall ensure that no property, building or structure on or adjacent to any street in which street trading is carried out is defaced or interfered with.

10. The holder of a street trading consent shall ensure that no advertisement boards are placed on the highway and no posters or advertisements are displayed on any street furniture.
11. The holder of a street trading consent shall ensure that his van or other vehicle, stall, barrow or cart is kept clean and maintained in good repair, including the paintwork and fixtures and fittings associated with it (such as umbrellas and canopies), to the satisfaction of the Council.
12. The holder of a street trading consent shall display the street trading consent and photograph issued by the Council on the van or other vehicle, stall, barrow or cart used by the consent holder, in such a manner that it can, at all times be easily read by persons attending at the van or other vehicle, stall, barrow or cart.
13. The holder of a street trading consent shall avail himself of the consent to a reasonable extent by personally attending at the van or other vehicle, stall, barrow or cart during the days and between the times he is permitted to trade unless he has a reasonable excuse for failing to do so.
14. The holder of a street trading consent shall give at least seven days prior written notification to the Council of any intended absences and their duration. Such a notification shall include proposed arrangements for the management of the van or other vehicle, stall, barrow or cart in his absence.
15. The holder of a street trading consent shall wear the Manchester City Council issued identification badge, at all times, when in attendance at his van or other vehicle, stall, barrow or cart.
16. Where a consent is held by more than one person each person named on the consent shall be held equally responsible for any breach of terms or conditions of a Street Trading Consent
17. The holder of a street trading consent will take all reasonable steps to ensure that any assistant he is employing is a suitable person, having regard to the Council Street Trading Policy and Guidelines relating to Convictions.
18. The holder of a street trading consent shall be personally responsible in ensuring that the day to day running of the van or other vehicle, stall, barrow or cart

complies with the Council policy and conditions relating to a street trading consent at all times.

19. The holder of a street trading consent shall ensure that, where assistants are employed, adequate training and systems are in place to ensure that the day to day running of the van or other vehicle, stall, barrow or cart complies with the Council policy and conditions relating to a street trading consent at all times.
20. The holder of a street trading consent shall ensure that only those people who have been notified to the Council to act as the consent-holder's assistants take part in trading from the van or other vehicle, stall, barrow or cart.
21. The holder of a street trading consent shall ensure that assistants do not trade from the van or other vehicle, stall, barrow or cart in his absence unless the consent-holder has first obtained written agreement of the Council to allow them to do so.
22. The holder of a street trading consent and his assistants shall wear clean, presentable work clothes appropriate for the trade carried on.
23. The holder of a street trading consent shall supply written details of his arrangements for the collection and proper disposal of the refuse arising from his trading upon request by an authorised officer of the Council or a Police Officer.
24. The holder of a street trading consent shall not allow any refuse arising from his trading or any other items associated with his business to be present on the highway or pavement at any time.
25. The holder of a street trading consent shall not allow unreasonable noise to be made which may cause nuisance or annoyance to persons using the street in which trading is carried out.
26. The holder of a street trading consent shall remove immediately after unloading all cartons, boxes, barrows or other conveyances. No cartons, boxes or other articles whatsoever shall be permitted to project around any van or other vehicle, stall, barrow or cart.
27. The holder of a street trading consent shall not allow fumes to be emitted to the nuisance or annoyance of persons using the street or occupying premises in the street.

28. The holder of a street trading consent shall provide a drip-tray to catch oil deposits from any van or other vehicle, stall, barrow or cart, which is a motor-powered vehicle used for the purpose of street trading.
29. The holder of a street trading consent or his assistants shall, if required by any person having reasonable cause, immediately remove the van or other vehicle, stall, barrow or cart and goods used for street trading for so long a period as may be necessary to prevent obstruction or hindrance to any premises.
30. The holder of a street trading consent or his assistants shall, if required to do so by a Constable or Fire Officer or a duly authorised officer of the Council, in the event of an emergency or in the exercise by the Council of any of its powers and its duties, remove the van or other vehicle, stall, barrow or cart and goods used for street trading for so long as it may be necessary.
31. The holder of a street trading consent shall notify the Council of any change to his address within three weeks of the date of the change.
32. The holder of a street trading consent shall, on being requested to do so by a police officer or a duly authorised officer of the Council, produce for inspection his street trading consent and shall furnish his name and address