



Taxi & General Licensing Committee

A meeting of the Taxi & General Licensing Committee will be held in The Jeffrey Room at The Guildhall on Tuesday 24 January 2023 at 6.00 pm

Agenda

1.	Apologies for Absence and Notification of Substitute Members
2.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
3.	Minutes (Pages 5 - 6) To confirm the Minutes of the meeting of the Committee held on 15 December 2022.
4.	Chair's Announcements To receive communications from the Chair.
5.	Delegation of additional Hackney Carriage and Private Hire Vehicle licensing decision making powers from Committee to Officers (Pages 7 - 12) Report of the Assistant Director – Regulatory Services Purpose of report To request that the Taxi and General Licensing Committee delegate additional decision making powers concerning Hackney Carriage and Private Hire Vehicle licensing matters from the Committee to Licensing Officers. Recommendations 1.1 It is recommended that the Committee pass a resolution delegating the power to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters, which would otherwise have to be brought before a Taxi and General Licensing Sub-Committee due to the effect of paragraph 9 of part F of West Northamptonshire Council's Constitutional Scheme of Delegation Legal Exemptions table (at page 187), to Licensing Officers.

<p>6.</p>	<p>Draft Street Trading Policy (Pages 13 - 34) Report of the Assistant Director – Regulatory Services</p> <p>Purpose of Report</p> <p>To ask the Committee to commence the creation of a West Northamptonshire Council Street Trading licensing regime under the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and to approve a draft designation of streets for the purposes of Street Trading and a draft Council Street Trading policy, both of which will then be the subject of a statutory and public consultation process and a further report to Committee.</p> <p>Recommendations</p> <p>1.1 Resolve that Schedule 4 of the 1982 Act shall henceforth apply to the District area of West Northamptonshire Council for the purpose of regulating street trading in accordance with the Act.</p> <p>1.2 Resolve to approve the draft Council Street Trading Policy (Appendix A) for statutory and public consultation, the results of which will be the subject of a further report to Committee with a view to formally making a Council Street Trading Policy.</p> <p>1.3 Resolve to agree in principle the draft designation of streets (Appendix B) for statutory and public consultation, the results of which will also be the subject of a further report to Committee with a view to it formally making a resolution regarding the designation of streets within the Council’s area for the purposes of Street Trading.</p>
<p>7.</p>	<p>Urgent Business</p> <p>The Chairman to advise whether they have agreed to any items of urgent business being admitted to the agenda.</p>

Catherine Whitehead
Proper Officer
16 January 2023

Taxi & General Licensing Committee Members:

Councillor Andrew Kilbride (Chair)	Councillor Mike Warren (Vice-Chair)
Councillor Sally Beardsworth	Councillor Alan Chantler
Councillor Imran Ahmed Chowdhury BEM	Councillor Maggie Clubley
Councillor Gareth Eales	Councillor Terry Gilford
Councillor Cheryl Hawes	Councillor Keith Holland-Delamere
Councillor Mark Hughes	Councillor Jake Roberts
Councillor Brian Sargeant	Councillor Richard Solesbury-Timms
Councillor Winston Strachan	

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods, Democratic Services via the following:

Tel: 01327 322043

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Or by writing to:

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NN1 1ED

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Taxi & General Licensing Committee

Minutes of a meeting of the Taxi & General Licensing Committee held in The Jeffrey Room at The Guildhall, Northampton, NN1 1DE on Thursday 15 December 2022 at 6.00 pm.

Present	Councillor Andrew Kilbride (Chair) Councillor Mike Warren (Vice-Chair) Councillor Alan Chantler Councillor Cheryl Hawes Councillor Keith Holland-Delamere Councillor Mark Hughes Councillor Brian Sargeant
Apologies for Absence:	Councillor Sally Beardsworth Councillor Imran Ahmed Chowdhury BEM Councillor Maggie Clubley Councillor Gareth Eales Councillor Terry Gilford Councillor Winston Strachan
Officers	Louise Faulkner, Environmental Health and Licensing Manager Nicholas Sutcliffe, Licensing and Business Support Manager James Chadwick, Senior Licensing and Litigation Solicitor Richard Woods, Democratic Services Officer

6. Declarations of Interest

There were no declarations of interest.

7. Minutes

The minutes of the meeting of the Committee held on 11 July 2022 were agreed as a correct record and signed by the Chair.

8. Chair's Announcements

The Chair advised that a further meeting of the Taxi & General Licensing Committee would be convened on Tuesday 24 January 2023 in order to consider the delegation of additional powers from the committee to officers, and to consider the draft Street Trading policy.

9. **Draft Private Hire Vehicle and Hackney Carriage Licensing Policy 2022**

The Committee considered a report from the Assistant Director – Regulatory Services which sought approval of the draft West Northamptonshire Council Private Hire Vehicle and Hackney Carriage Licensing Policy prior to public and stakeholder consultation.

In introducing the report, the Licensing and Environmental Support Service Manager explained that the new draft Policy was intended to replace the current and still in force Northampton Borough, Daventry District and South Northamptonshire District Council policies and includes a number of updates and improvements with a clear policy statement.

In response to questions from the Committee regarding how the policy would be applied, the Licensing and Environmental Support Services Manager explained that the policy would apply retrospectively to all current licence holders and all new applicants, with the intention of increasing standards and therefore public safety.

Resolved

- (1) That the draft West Northamptonshire Council Private Vehicle Hire and Hackney Carriage Licensing Policy be approved for consultation with the public and stakeholders.
- (2) That authority be delegated to the Assistant Director – Regulatory Services to consider any responses and, if necessary, amend the draft policy in consultation with the Chair of the Taxi & General Licensing Committee.
- (3) That authority be further delegated to the Assistant Director – Regulatory Services to make minor amendments to the policy once made, if required.

10. **Urgent Business**

There were no items of urgent business.

The meeting closed at 6.09 pm

Chair: _____

Date: _____

West Northamptonshire Council

Taxi and General Licensing Committee

24 January 2023

<p>Delegation of additional Hackney Carriage and Private Hire Vehicle licensing decision making powers from Committee to Officers</p>
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Report of Assistant Director of Regulatory Services

This report is public

1. Purpose of report

- 1.1. To request that the Taxi and General Licensing Committee delegate additional decision making powers concerning Hackney Carriage and Private Hire Vehicle licensing matters from the Committee to Licensing Officers.

2. Recommendations

- 2.1. It is recommended that the Committee pass a resolution delegating the power to make decisions concerning Hackney Carriage and Private Hire Vehicle licensing matters, which would otherwise have to be brought before a Taxi and General Licensing Sub-Committee due to the effect of paragraph 9 of part F of West Northamptonshire Council's Constitutional Scheme of Delegation Legal Exemptions table (at page 187), to Licensing Officers.

3. Introduction

- 3.1. The current Council Constitution delegates all decision making powers with regard to the licensing of Hackney Carriages and Private Hire Vehicles from full Council to the Committee, at paragraph 4.3.1 (page 44). The Committee then delegates all matters relating to the grant, renewal or review of Hackney Carriage and Private Hire Vehicle licenses to Sub-Committees comprised of three Members of the Committee, unless there is a specific delegation from the Committee or a Sub-Committee to Officers to make a decision in any particular case, at paragraph 4.3.2 (pages 44 and 45).
- 3.2. The Constitution also contains a Scheme of Delegation which sets out which decisions making powers may be exercised by Council Officers. Decision making powers in respect of Hackney Carriage and Private Hire Vehicle licensing are delegated on a general basis to the Executive Director of Place and Economy from the Committee, by paragraph 9 of part F of the Scheme of Delegation's Legal Exceptions table (page 187). In practice, these powers are delegated in turn to the

Assistant Director for Regulatory Services, in accordance with the Executive Director's scheme of sub-delegation, and then to individual Licensing Officers.

- 3.3. However, there are a number of exceptions to this general delegation, the first of which is where;
 - An applicant for a new or renewed driver or operator license or a current license holder has relevant convictions/cautions and
 - An applicant for a new or renewed driver or operator license or current license holder has 9 or more points on their driving licence.
- 3.4. If the above applies, then Licensing Officers must refer that matter to a Sub-Committee for consideration as to whether to grant the application or whether any action ought to be taken in respect of an existing license.
- 3.5. A knock-on effect of this is that where the circumstances set out in paragraph 3.3 above apply in cases where there is a perceived risk to public safety, the Assistant Director cannot lawfully make a decision to immediately revoke a Hackney Carriage or Private Hire driver's license on public safety grounds, in accordance with section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, and the matter must be referred to a Sub-Committee for determination, despite the potential urgency of the situation. If paragraph 3.3 does not apply, then an Officer delegated decision can be made urgently.
- 3.6. The second exception is that paragraph 4.3.2 of the Constitution (at page 45) also states that any application for a new Hackney Carriage or Private Hire Vehicle driver's license by a person whose previous license was immediately revoked on public safety grounds by the Assistant Director acting under delegated powers, must also be referred to a Sub-Committee for determination.
- 3.7. Members are asked to make a resolution delegating the power to make decisions where paragraphs 3.3 to 3.6 above apply to the Assistant Director for Regulatory Services, in order for Licensing Officers to be able to make all decisions with regard to all Hackney Carriage and Private Hire Vehicle matters, unless the Assistant Director determines that it would be appropriate to refer any specific case to a Sub-Committee for determination.

4. Report details

- 4.1. Prior to April 1st 2021, Licensing Officers with the old sovereign districts/Licensing Areas of Northampton Borough, South Northants and Daventry had the delegated authority to make decisions in all Hackney Carriage and Private Hire Vehicle licensing matters.
- 4.2. The West Northamptonshire Council Constitution effectively changed that from 1st April 2021. Decisions making powers regarding individual licenses remain delegated to Licensing Officers on a general basis, except where the circumstances set out above at paragraphs 3.3 to 3.6 apply.
- 4.3. This creates two issues for Licensing Officers. The first is that where a Licensing Officer becomes aware that a current Hackney Carriage and Private Hire Vehicle

driver's licence holder has been convicted, cautioned or has had their DVLA driving licence endorsed by 9 or more points and they deem that person to be a risk to public safety, they are currently unable to consider whether to revoke that licence with immediate effect under section 61 (2B) of the 1976 Act and would have to refer the matter to a Sub-Committee for determination.

- 4.4. Legislation does not permit Licensing Authorities to lawfully suspend driver's licenses on a temporary basis pending a Sub-Committee decision without conferring a right of appeal to a Magistrates' Court. This means that where a decision whether to take action in respect of a driver's license is required because of an urgent issue of potential risk to public safety, but where that driver has a relevant conviction, caution or 9 or more points on their DVLA driving license, Licensing Officers would currently be unable to lawfully prevent the driver continuing to drive in accordance with his license, until either a Sub-Committee has considered the matter or any Magistrates' Court appeal has been determined. If any action is taken in respect of a current driver's license, the general rule is that it is suspended until any appeal is determined, unless the action was taken in accordance with section 61 (2B) on public safety grounds.
- 4.5. The second issue is that decisions made by the three previous Councils in licensing matters were, for legal purposes, in effect retrospectively made by West Northamptonshire Council. When Licensing Officers with those Councils decided to grant applications for new or renewed driver and operator licenses or take no action in respect of persons who had convictions, cautions or 9 or more points on their DVLA driving licence prior to 1st April 2021, the applicants/existing license holders were judged to be fit and proper persons to hold or retain a license.
- 4.6. The effect of the requirement under paragraph 3.3 is that where these license holders has not incurred any further convictions, cautions or driving license points since the previous decision was made, applications for renewal must still be referred to a Sub-Committee for consideration, despite a decision effectively having previously been made by the Council that the holder was a fit and proper person despite those convictions/cautions/points. As a result of being legally bound by licensing decisions of its three predecessor licensing authorities, the Council runs the risk of effectively revisiting its own previous decisions in cases to which this scenario applies, which would potentially constitute a ground for a successful Magistrates' Court appeal.
- 4.7. Due to the rules around the retention of information contained within criminal record checks, a figure cannot be provided for the number of current West Northamptonshire Council licence holders who have convictions and cautions. A taxi driver is an exempted profession for the purposes of the Rehabilitation of Offenders Act 1974, so convictions and cautions are never considered "spent" for the purposes of Hackney Carriage and Private Hire Vehicle license applications
- 4.8. Granting Licensing Officers authority to make decisions where paragraphs 3.3 to 3.6 above apply would resolve the above issues and reduce the potential legal risks to the Council that they pose.
- 4.9. Additionally, the process of organising Sub-Committees, writing reports and holding hearings is currently quite lengthy generally and some cases can occasionally take months before a decision is made. Sub-Committees must currently determine

matters involving convictions for even the most minor of offences, some of which have no real bearing on whether a person is fit and proper to hold a Hackney Carriage or Private Hire Vehicle driver or operator license. If Licensing Officers had delegated powers to make decisions in cases where paragraphs 3.3 to 3.6 apply, then the decision making process generally would be a lot quicker and Sub-Committee hearings reserved only for the most serious or complicated cases. Speeding up the decision making process in such cases would also be in the best interests of the Hackney Carriage and Private Hire Vehicle trades.

5. Choices/options and reasons for recommendations

- 5.1. Members can choose **to resolve** to delegate authority to make decisions, in respect of Hackney Carriage and Private Hire Vehicle licensing matters to which paragraphs 3.3 to 3.6 above are applicable, to the Assistant Director for Regulatory Services.
- 5.2. This option is **recommended** in order to address the issues set out at paragraphs 4.3 to 4.9 above.
- 5.3. Members can choose **not to resolve** to delegate authority to make decisions, in respect of Hackney Carriage and Private Hire Vehicle licensing matters to which paragraphs 3.3 to 3.6 above are applicable, to the Assistant Director for Regulatory Services.
- 5.4. This option is **not recommended** because it will not address the issues set out at paragraphs 4.3 to 4.9 above, in contrast to the majority of cases where the requirements set out in paragraphs 3.3 to 3.6 do not apply.
- 5.5. Members can choose **to resolve to partially delegate** authority to make decisions, in respect of Hackney Carriage and Private Hire Vehicle licensing matters to which paragraphs 3.3 to 3.6 above are applicable, to the Assistant Director for Regulatory Services, as they deem appropriate. This could involve delegating the decision making authority in respect of some of the situations set out in paragraphs 3.3 to 3.6, but not others.
- 5.6. This option is **not recommended** because it will not completely address the issues and potential legal risks set out at paragraphs 4.3 to 4.9 above, in contrast to the majority of cases where the requirements set out in paragraphs 3.3 to 3.6 do not apply.

6. Implications

Financial and resource implications

- 6.1. *There are no financial implications arising directly from this report.*

*Comments checked by Dawn Leader, Strategic Finance Business Partner,
dawn.leader@westnorthants.gov.uk*

6.2. Legal implications

- 6.2.1. The legal risk to the Council associated with the first issue identified at paragraphs 4.3 to 4.4 is that of potentially failing to protect public safety, by not taking swift and urgent action in respect of drivers to whom this issue applies, or at the very least being perceived to be failing to do so.
- 6.2.2. The legal risk associated with the issues identified at paragraphs 4.5 to 4.9 is that of potentially increasing the number of decisions which are appealable to the Magistrates' Court, either through the inadvertent revisiting of what are effectively previous licensing decisions of the Council or through delay in the licensing decision making process where the applicant/license holder has convictions, cautions or 9 or more points on his DVLA driving licence.
- 6.2.3. There is no legal requirement to consult about the proposed internal delegation of Council decision making powers in accordance with the Constitution and Scheme of Delegation. Internal Council decision making arrangements would not ordinarily be the subject of any consultation exercise, statutory or otherwise.

Comments added by James Chadwick, Senior Licensing and Litigation Solicitor.

6.3. Comms implications

Checked by Becky Hutson, Head of Communications, 01327 302404, communications@westnorthants.gov.uk

7. Consultation

- 7.1. Not applicable. See legal comments at paragraph 6.2.1 above.

8.0 Decision information

Wards affected

Not applicable

Links to Corporate Plan and Policy Framework

Not applicable

Portfolio holder

Not applicable

Document information

Background papers	
West Northamptonshire Council Constitution (June 2022)	
Report author	Nicholas Sutcliffe, Licensing and Environmental Support Services Manager
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West Northamptonshire Council
Taxi and General Licensing Committee

24 January 2023

Approval of a draft designation of streets for the purpose of Street Trading and a draft Street Trading licensing policy and approval to commence public consultation.

Report of the Assistant Director – Regulatory Services

This report is public

Purpose of report

To ask the Committee to commence the creation of a West Northamptonshire Council Street Trading licensing regime under the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) and to approve a draft designation of streets for the purposes of Street Trading and a draft Council Street Trading policy, both of which will then be the subject of a statutory and public consultation process and a further report to Committee.

1.0 Recommendations

The Committee is recommended to:

- 1.1 Resolve that Schedule 4 of the 1982 Act shall henceforth apply to the District area of West Northamptonshire Council for the purpose of regulating street trading in accordance with the Act.
- 1.2 Resolve to approve the draft Council Street Trading Policy (**Appendix A**) for statutory and public consultation, the results of which will be the subject of a further report to Committee with a view to formally making a Council Street Trading Policy.
- 1.3 Resolve to agree in principle the draft designation of streets (**Appendix B**) for statutory and public consultation, the results of which will also be the subject of a further report to Committee with a view to it formally making a resolution regarding the designation of streets within the Council’s area for the purposes of Street Trading.

2.0 Introduction

- 2.1 The draft Council Street Trading licensing policy at **Appendix A** simplifies and updates the three predecessor councils' street trading policies, which remain in force until expressly replaced by West Northamptonshire Council, due to the operation of local government reorganisation legislation, and to ensure consistency of approach with regard to Street Trading throughout the West Northamptonshire Council area.
- 2.2 A fair, clear and consistent West Northamptonshire Council Street Trading licensing regime, underpinned by a single, unified policy, will ensure that the Council can put in place controls to protect the public and provides a level playing field for street traders. It will allow the Council to attach conditions to consents or licenses in relation to food hygiene and make sure that licence holders keep the licensed sites clean.

3.0 Report Details

- 3.1 Section 3 of the 1982 Act states that a District council, such as West Northamptonshire Council, may by resolution specify that Schedule 4 of the Act applies to their district and the date from which it will apply.
- 3.2 Schedule 4 of the 1982 Act enables a District Council to regulate street trading within its area. It requires any individual that sells, exposes or offers for sale any article in a street, to obtain a licence or consent from that District Council, which can charge reasonable fees for the issue of either.
- 3.3 Street Trading licensing under the 1982 Act applies to a person who wishes to sell goods or articles, which includes food and living things, from a mobile unit e.g. ice cream vans, fruit and vegetable vans, hot and cold food and drinks, butty/sandwich trailers, flower sellers etc.
- 3.4 District Councils can opt to control street trading by designating streets or parts of streets as either;
 - Prohibited streets in which street trading is not allowed,
 - Licence streets in which licences to trade are required or
 - Consent streets where consent requirements operate.

The former Northampton Borough and Daventry District areas currently have a mix of prohibited and consent streets, whilst the former South Northants District area only has consent streets.

- 3.6 Street designations may be rescinded or changed from one type to another at any time by following the legal process set out at Schedule 4 of the 1982 Act. However, there is no intention to change the approach of West Northamptonshire Council with regard to the currently Prohibited streets in the former Northampton Borough and Daventry District areas, which will retain that designation.

- 3.7 For the rest of the Council's area, including the South Northants area, the proposal is that all streets will be designated as Consent streets. This will still give the Council control over who can and cannot trade in the street and prevents traders from being able to trade without any authorisation from the Council.
- 3.8 The currently in-force Daventry District Street Trading policy allows trading to take place on private land without the requirement for a consent to do so. This is remedied in the new draft policy so that the former Daventry District area falls in line with the other former District areas and a Consent will be required to trade on both public and private land, as can be seen from the draft policy at **Appendix A**.
- 3.9 Street Trading can contribute to town centre vitality (for example street food and café culture) and economic growth. A more vibrant street trading and café culture can attract visitors to our towns. By designating streets as Consent streets, rather than a blanket Prohibition, each case can be considered on its own merits, subject to police and highways consultation.

Consent and Prohibition

- 3.10 Under paragraph 10 of schedule 4 of the 1982 Act, it is an offence to engage in street trading;
- 1.4 in any Prohibited Street,
 - 1.5 in any Licence or Consent Street without authorisation from the relevant District council and
 - 1.6 in contravention of the principal terms of a street trading license.
- 3.11 The offence of trading without consent or license, or trading in an area which is prohibited, therefore carries the same penalty, which is a maximum £1000 upon conviction in a Magistrates' Court. The burden of proof to demonstrate legality of the activity remains with the trader, although the offence has a statutory reasonable precaution/due diligence defence.
- 3.12 If the Council investigates a complaint of illegal trading it will investigate whether the trader has Consent in the same way that it will investigate whether the trader is operating in a Prohibited area.
- 3.13 The aim is to make street trading controls in West Northamptonshire transparent for all who seek to trade in the street in the District and for officers who are required to enforce the law as set out in the 1982 Act. In summary the new policy will help to:
- Provide a simpler and clearer regime for the entire West Northamptonshire Council area, which will be easier for new applicants to understand;
 - Remove ambiguity and uncertainty for Licensing Officers making decisions concerning Street Trading Consent applications;
 - Ensure that there is a level playing field for all Street Trading businesses throughout the West Northamptonshire Council area, by making it subject to the same Street Trading Licensing regime, rather than three separate regimes;
 - Remove the "private land" exemption from the Street Trading licensing regime as it currently applies in the former Daventry District area and

- Ensure greater Council greater control of safety, waste disposal, noise and (for food vendors) hygiene for all street traders in the District, irrespective of location, through the attaching of suitable conditions to consents.

3.14 This report is the initial stage of the statutory consultation process set out at Schedule 4 of the 1982 Act. The Council cannot lawfully pass a resolution designating any street in its District as either a Prohibited, License or Consent street unless: -

- (i) It has published notice of its intention to pass such resolution in a local newspaper circulating in its area.
- (ii) It has served a copy of that notice: -
 - (a) on the chief officer of Police for the area in which the street to be designated by the resolution is situated and
 - (b) on any highway authority responsible for the street (which in any event is West Northamptonshire Council).

3.15 Provided that the Committee is satisfied with draft Street Trading Policy and draft street designations, at **Appendices A and B**, the above consultation process can commence and written representations will be invited from the chief officer of the Police, as well as from members of the public.

3.16 As soon as practicable after the expiry of the consultation period, the Council must consider any such representations relating to the proposed street designation resolution. It may then, if it thinks fit, pass such a resolution. As a result, a further report will be presented to the Committee in due course setting out the results of the consultation process.

3.17 If the Committee eventually makes a street designation resolution, the Council must then publish a notice in two consecutive weeks in a local newspaper circulating in its area before the resolution can come into force. The first publication must not be later than 28 days before the date specified in the resolution for the coming into force of the designation.

4.0 Conclusion and Reasons for Recommendations

4.1 The Committee is recommended to:

- (i) Resolve that Schedule 4 of the 1982 Act shall henceforth apply to the district area of West Northamptonshire Council for the purpose of regulating street trading in accordance with that Act.

This is **recommended** in order to create a single West Northamptonshire Council Street Trading licensing regime, rather than continuing to rely upon the three different and inconsistent predecessor council regimes.

- (ii) Resolve to approve the draft Street Trading Licensing Policy (**Appendix A**) for public consultation, the results of which will be the subject of a further

report to Committee, with a view to formally making a Council Street Trading Licensing policy.

This is **recommended** for the reasons set out at paragraph 3.13 above.

- (iii) Resolve to agree in principle the draft designation of streets (**Appendix B**) subject to public consultation, the results of which will be the subject of a further report to Committee with a view to formally making such a resolution on behalf of the Council.

This is **recommended** for the reasons set out at 4.1 (i) and paragraph 3.13 above.

- (iv) Refuse to make any or all of the resolutions at 4.1 (i), (ii) and (iii) above.

This is **not recommended** because that will result in the absence of a single, unified West Northamptonshire Council street trading licensing regime and will mean that the Council will have to continue to rely upon the three different and inconsistent predecessor council regimes. Licensing Officers would be restricted in their powers to inspect and enforce the provisions of the 1982 Act consistently throughout the District and may not be able to efficiently recover the costs of doing so, given the continued applicability of three different approaches to this. They would also be unable to deal effectively with complaints about unlicensed street traders in a consistent manner throughout the entire Council area.

5.0 Consultation

- 5.1 If the Committee passes the above resolutions, Officers propose to consult with stakeholders, the public and relevant agencies, in accordance with the requirements of Schedule 4 of the 1982 Act.

6.0 Implications

6.1 Financial and resource implications

- 6.1.1 There are no financial implications arising directly from this report.

Comments checked by Dawn Leader, Strategic Finance Business Partner,
dawn.leader@westnorthants.gov.uk

6.2 Legal implications

- 6.2.1 Whilst the three predecessor council Street Trading licensing regimes remain in force, until replaced by a single, unified West Northamptonshire Council regime, because of the effect of the local government reorganisation legislation under which the Council was created, maintaining this status quo arguably carries potential legal risk for the Council.
- 6.2.2 The primary potential legal risk in not creating a single, unified Street Trading licensing regime is an increased risk of Magistrates' Court appeals against License and Consent decisions, on the grounds of the application of inconsistent rules and

policies, and by extension decision making, in different locations within the wider District area, arguably for historical reasons only.

- 6.2.3 Replacing the three currently in-force regimes with a single, unified Street Trading licensing regime would eliminate that potential legal risk.

Comments provided by James Chadwick, Senior Licensing and Litigation Solicitor.

6.3 Comms implications

Checked by Becky Hutson, Head of Communications, 01327 302404, communications@westnorthants.gov.uk

8.0 Decision Information

Wards Affected

All wards

Links to Corporate Plan and Policy Framework

Not applicable

Lead Councillor

Councillor David Smith

Document Information

Appendix No	Title
Appendix A	Draft West Northamptonshire Council Street Trading Licensing Policy.
Appendix B	Draft 1982 Act Schedule 4 Streets Designation.
Background Papers	
None	
Report Author	Nicholas Sutcliffe Licensing and Environmental Support Services Manager
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West
Northamptonshire
Council

Street Trading Policy (Draft)

Version 1, January 10th 2023



Document Version Control

Author: Nicholas Sutcliffe, Licensing and Business Support Manager

Type of document: Licensing Policy

Version Number: V1

Document File Name: West Northamptonshire Street Trading Policy

Issue date: 10 January 2023

Approval date and by who : Licensing Committee

Document held by : Licensing

For internal and external publication

Document stored on Council website and intranet

Next review date: Every 5 Years

Change History

Issue	Date	Comments
V0.1	10 January 2023	Policy for Consultation

NB: Draft versions 0.1 - final published versions 1.0

Consultees

Internal	External
Environmental Health (Health Protection)	Police
Environmental Health (Environmental Protection)	Highways England
Development Control	Parish Councils
Northamptonshire Highways	Town Councils
Environmental Crime	Current Consent Holders
Community Wardens	

Additional Comments to note

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1.0 Introduction / foreword

West Northamptonshire Council aims to support business ventures and encourages the provision of street trading and cafés within the district. In towns and villages cafes in particular make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces and aid the local economy. In more rural areas, street trading outlets enable residents, visitors and travelers to obtain refreshments when there is nothing else immediately available. Both add to the facilities offered to people who visit, live and work in the district.

2.0 Scope

This policy sets out West Northamptonshire Council's (hereafter referred to as the Council) framework for the management of street trading in the West Northamptonshire area. Through this policy the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the districts economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.

This policy is intended to help prospective street traders to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.

Anyone wishing to apply for a Street Trading Consent should read this policy, the associated guidance, and detailed conditions in order to check that their proposal meets all the criteria.

This policy will guide the Council when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

Although each application will be considered on its own merits this policy contains key points that must be considered in every case. In order to ensure consistency of decision making, the Council will apply these

3.0 Street Trading Policy

Local Government (Miscellaneous Provisions) Act 1982.

General

Under the above legislation locations are designated as either consent, licence or prohibited streets.

West Northamptonshire Council has designated all streets within the district as either consent or prohibited streets. This means that, subject to certain legal exemptions, you will only be able to apply to trade where the consent designation applies. A list of all prohibited streets can be found at Appendix B.

- In order to trade in a consent area within the West Northamptonshire Council area you must receive consent from the Council.

Peripatetic Street Trading

Street Traders that meet the criteria laid out below will be classed as peripatetic. Ice Cream Vans and similar would typically be deemed to be mobile traders.

The criteria are as follows;

- moves from location to location
- moves at least 100 metres from the last trading location and does not return within 4 hours
- does not wait in one location for more than 20 minutes
- does not trade within 100 metres of the boundary of any educational establishment without the permission of that educational establishment.

Due to the nature of peripatetic trading there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted.

General exempted street trading activities

The following activities do not require street trading consent:

- pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides.
- anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order
- trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- news vendors
- trading on/from the forecourt of a petrol filling station or at a shop premises
- a roundsman (a person who delivers orders to customers by prior arrangement)
- the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- operating facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- doing anything authorised by regulations made under section 5 of the Police, Factories, etc, (Miscellaneous Provisions) Act 1916
- providing a service such as hair braiding, face painting, henna tattoos. The Act which governs street trading relates to the 'selling of articles' and the Councils view is that none of these or similar activities constitute street trading as defined.

Local exempted street trading activities

In addition to the above legal exemptions West Northants Council has determined that the below activities are also exempt from requiring a Street Trading Consent within the West Northants district:

- Car boot sales on private property
- Goods from working farms sold within the curtilage of the farm where they were produced.
- Trading at fetes, carnivals or similar community events.
- Sales of articles by residential occupiers within the curtilage of their properties or land contiguous with it if articles are sold from a stall or receptacle which does not exceed one metre in length or width or two metres in height, occupy a ground area exceeding 0.25 square metres or stand on the carriageway of a street.

Other Activities

There are several other activities that take place in the streets of the West Northants area that are not governed by this policy. These include:

- Awareness – people, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets or undertaking promotional activities.
- Busking – street performance is the practice of performing in public places for gratuities.
- Market research – this type of activity includes mail order companies, insurance companies and national questionnaires.
- Markets – these are dealt with by separate policies.
- Pedlars – they are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.
- Petitions – people or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups.
- Charitable Street collections – these are authorised under separate legislation.

If you are unsure of any of the above, please contact the Council.

Application Processes

Street Trading

You can apply through the Council's website, where current fee information is also available.

When making an application you will need to provide the following:

- the correct fee;
- a map/street plan or aerial photograph clearly identifying the proposed site position (for static street traders);
- specified areas of trade (for non-static traders);
- proposed trading times;
- photographs of the vehicle, stall, cart, etc, that will be used for the street trading activity (in the case of a vehicle, exterior and interior views are required);
- evidence of public liability insurance;
- other associated permissions i.e. planning and any appropriate licences under the Licensing Act 2003;
- Details of a commercial waste agreement
- Proof of identity, and address of the applicant, such as a passport or DVLA photo card driving licence;
- Details of neighbours, business or otherwise, within the immediate vicinity of the specified trading area
- Basic DBS disclosure obtained through Disclosure England <https://www.gov.uk/request-copy-criminal-record>

For food outlets, the Council also requires:

- (if using gas) a gas safety certificate issued by a GAS SAFE registered engineer;
- (if using electricity) an electrical safety certificate issued by a NICEIC registered contractor or equivalent;
- copies of certificates to confirm all food handlers have undertaken a satisfactory level of food hygiene training;
- confirmation the business is registered under article 6, paragraph 2 of Regulation EC No 852/2004

Consultations on applications made

Before a street trading consent or a pavement permit is granted for the first time, the council will carry out a consultation process over a period of 14 days. We will consult with one or more the following:

- Northamptonshire Police;

- West Northamptonshire Council Highways or Highways England (depending on the location);
- West Northamptonshire Council Development Control;
- West Northamptonshire Council Health Protection;
- West Northamptonshire Council Environmental Protection;
- the appropriate parish or town council;
- all businesses or properties within a minimum radius of 100m of the proposed site (but this may vary on a case by case basis) *

**Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the form (part B of the application) to the relevant property/business. If they fail to do so the application will be refused.*

Site assessment and inspections

The site will be assessed by an authorised officer of the Council. The assessment may require a site visit where a decision cannot be made on the information provided with an application. Consents or permits will not normally be granted where:

- a significant effect on road safety could arise, either from the siting of the trading activity, from customers visiting or leaving the site, or from inadequate light or visibility.
- there is a conflict with traffic orders such as waiting restrictions.
- there is already adequate provision of similar trading facilities in the vicinity.
- there would be a significant loss of amenity caused by traffic, noise, odour, etc.

Food Hygiene

Additionally, in the case of street trading food or drink, the vehicle, trailer, stall or other device to be used for the proposed trading activity will be inspected by a Health Protection Officer prior to the issue of consent. New food businesses must register with the local authority that covers the area in which the van/stall is stored overnight and at least 28 days before they intend to start trading. Proof of registration will be required at the time of application. Businesses that are registered but awaiting inspection will not be prevented from gaining a consent however they will be required to provide evidence of their rating once issued and following all subsequent inspections.

The food business must achieve and maintain an FSA Food Hygiene Rating of 3 or more. Businesses rated 0, 1 or 2 will not be granted a consent and any current consents will be revoked in line FSA appeals process.

New businesses can register through the following link <https://www.gov.uk/food-business-registration>.

Decision Making

In considering applications for the grant or renewal of Street Trading Consents, the following will be taken into consideration;

- Public Safety – whether the activity represents or is likely to represent a substantial risk to the public. Factors considered will include obstruction, fire hazard, unhygienic conditions or a danger that may occur when a trader is accessing the site.
- Public Order – whether the activity represents, or is likely to represent, a substantial risk to public order. All traders will conduct themselves in a professional manner.
- Public Nuisance – whether the activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.
- Appearance – the stall / vehicle / tables and chairs must be maintained in good condition and be of smart appearance. The general appearance will be considered in order to determine that the business will not have a detrimental impact on the surrounding area.

If the application meets the Council's requirements and no representations are received the consent / permit will be granted as applied for.

If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.

Applications will normally be determined within two months of receipt and may be either:

- granted, whereby the consent or permit will be issued with conditions attached, or
- refused, whereby the fee will be refunded (as appropriate) to the applicant.

The reasons for the decision will be communicated to the applicant, but it should be noted that the Act does not provide a right of appeal against any decision made in relation to the grant or refusal of a street trading consent.

Trading hours and staff requirements

Provision of hot food and drink after 11.00pm requires a premises licence under the Licensing Act 2003

Trading consents are granted to individuals. The consent holder does not have to be present at the site during trading hours but must nominate a person aged 17 or over to cover in their absence, and if selling food must hold a Food Hygiene Certificate.

In approving consents or permits, the Council will have regard to an applicant's previous record of compliance with the conditions attached to any previously held consents or permits.

Consent and Permit Details

Every consent or permit issued will show specific details and carry conditions which must be complied with. The consent or permit must be clearly displayed and/or produced for inspection by an authorised officer of the Council or a police officer.

Street trading consents will specify:

- the trader's/business name;
- their address;
- a description of items to be sold;
- details of the trading location/s, days and times.

In addition, any conditions considered necessary to individual applications may also be attached. The Council retains the right to vary the conditions at any time.

Enforcement

General

This section of the policy details the Council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.

Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Authorised officers from the Council will visit street traders to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.

Where licensable activities are conducted without the benefit of a consent, we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.

If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent may be revoked.

If a Street Trader also holds a Premises Licence issued under the Licensing Act 2003 then failure to pay the fee associated to that licence will lead to the consent being revoked.

Offences

1. A person who -
 - (a) engages in street trading in a prohibited street; or
 - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule; or
 - (c) contravenes any of the principal terms of a street trading consent; or
 - (d) being authorised by a street trading consent to trade in a consent street, trades in that street -
 - (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above; or
 - (e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.
2. It shall be a defense for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent or licence makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Further Information

For further details please visit the Councils Website.

Appendices

Appendix A – Consent Conditions

The following conditions will be attached to relevant consents:

General Conditions

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce the Consent on demand when so required by a duly authorised officer of the West Northamptonshire Council, or by a Police Officer.
2. A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police Officer.
3. The Consent Holder shall notify the Licensing Officer of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent.
4. The Consent Holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but may surrender it to the Council at any time. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the Council.
5. Nothing contained in these conditions shall relieve the Consent Holder or his employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent.
6. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of £2million and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
7. A statutory undertaker, including the County Council, can require the street trading unit to be removed at any time in connection with carrying out its duties.
8. The Consent holder is required to provide the Council with proof of their food business registration and their food hygiene rating when requested and following any inspection by a Food Safety Officer.
9. The Consent holder is liable to pay the relevant fee within the time frame stipulated on the invoice.
10. The Council may vary the Conditions attached to the Consent at any time.

Site Conditions

11. The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the local authority.
12. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
13. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The Consent Holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the Council in writing.
14. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
15. The Consent Holder shall keep his trading position to a distance of 50 meters either side of the vehicle/stall in a clean and tidy condition during the permitted hours and also leave the same in a

clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.

16. The Consent Holder shall provide and maintain at his own expense refuse receptacles adequate for all litter generated from the trading activity.
17. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved manner. Proof shall be required in the form of Duty of Care notes for the waste disposed of.
18. The Consent Holder shall provide such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or the watercourse.

Trading Conditions

19. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
20. The Consent Holder shall not trade outside the time and days permitted by the Consent.
21. The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public the street trading consent certificate that has been issued by the Council.
22. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
23. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
24. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
25. The Consent Holder shall not trade in such a way as to cause a nuisance to persons using the street or public place, or occupiers of premises in the vicinity.
26. Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.
27. Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:
 - a. Obtain written permission from the Council
 - b. Provide the name, age and address of such an assistant.
28. The Consent Holder shall at all times conduct his business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.
29. Where a Consent is issued to a mobile van, where a jingle or chime is used to attract custom, the Consent holder must ensure compliance with [Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013](#).
30. Where the Consent is issued in relation to a mobile trader, the trader is not permitted to wait in one location for more than 20 minutes or return to a similar location within 4 hours.
31. Food Businesses must achieve and maintain a FSA Food Hygiene Rating of Level 3.

Legal Provisions

32. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his employees or agents from any legal duty or liability.
33. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Food Safety Act 1990, Food Premises (Registration) Regulations 1991, Food Hygiene (England) Regulations 2006, Health and Safety at Work etc. Act 1974, and any

Regulations made thereunder, Health Act 2006, and any Regulations made thereunder, and the Environmental Protection Act 1990.

Revocation of Consent

34. This Consent may be revoked by the Council at any time for failure to comply with the above conditions or for any other reason not listed. The Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
35. The holder shall return this Consent to the West Northamptonshire Council immediately on revocation or surrender of the Consent.
36. There is no mechanism for the suspension of a Consent.

Appendix B – Prohibited Streets

Northampton Area

The following roads and streets including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 10 metres shall be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

A. The Central Area

Abington Street, Albert Place, Albion Place, Angel Street, Bradshaw Street, Bridge Street, Broad Street, Campbell Square, Campbell Street, Castilian Street, Castilian Terrace, Cheyne Walk, Church Lane, College Street, Commercial Street, Dergate, The Drapery, Dychurch Lane, Fetter Street, Fish Street, Foundry Street, Gas Street, George Row, Gold Street, Greyfriars, Guildhall Road, Hazelwood Road, Horsemarket, Horseshoe Street, King Street, Kingswell Street, Lady's Lane, Lower Mounts, Mayorhold, Mercers Row, Newland, Notre Dame Mews, Regent Street The Ridings, St Giles Square, St Giles Street, St Giles Terrace, St James Place, St James Street, St Johns Street, St Katherine's Street, St Peters Way, Sheep Street, Silver Street, Spencer Parade, Spring Gardens, Swan Street, Upper Mounts, Victoria Gardens, Victoria Promenade, Victoria Street, Wellington Street, Wood Hill, Woolmonger Street, York Road.

B. Radial Routes

- A508 London Road, Cotton End, Bridge Street, A43 Towcester Road, Southern Approach
- A45 Weedon Road (except for the layby on the south side thereof at Upton), Spencer Bride Road, Grafton Street, Grafton Square.
- A428 Harlestone Road, St James Road, Westbridge, Black Lion Hill.
- A50 Welford Road
- A508 Harborough Road, Kingsthorpe Road, Barrack Road.
- A43 Thorpeville Road, Booth Rise, Kettering Road North, Kettering Road, Abington Square.
- A4500 Wellingborough Road
- A428 Bedford Road

C. Other parts of the Highway Network

Upton Way, Danes Camp Way, Mereway, Nene Valley Way, Tollgate Way, Bants Lane, Mill Lane, Kingsthorpe Grove, Kingsley Road, Abington Grove, Abington Avenue, Park Avenue North, Rushmere Road.

Park Avenue South, (other than the East side thereof from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards).

St Andrews Road, Burleigh Road, Holly Lodge Drive, Red House Road, Talavera Way, Great Billing Way (except for the layby on the east side thereof at Rectory Farm). Lumbertubs Way.

Daventry Area

A43; A508; A50; A428; A5; A45; A361, A425 and the lay-by to the east of the A43 near the Hannington Crossroads, which is a 60mph speed limit.

4.0 Glossary of terms

Use this section to give definitions to any words that require explanation – especially if this is a public document. If you can't avoid jargon or technical terms, this is the place to explain them.

Term	Definition
Authorised Officer	an officer employed and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	consent to trade on a street within the Council's area
Consent Holder	the person or company to whom the consent to trade has been granted by the Council.
Consent Street	a street in which street trading is prohibited without a street trading consent.
FSA Food Hygiene Rating	Food Standards Agency Hygiene Rating as issued by a traders home authority Food Safety Officer
Peripatetic trader	a trader who moves from street to street but trades for less than 20 minutes at any one point and does not return to a similar trading position within 4 hours
Prohibited Street	a street in which street trading is prohibited
Static street trader	a trader granted permission by the Council to trade from a specified position.
Street trading	<p>the selling of or exposing or offering for sale any article (including a living thing) in any street. A Street includes:</p> <ul style="list-style-type: none"> • any road, footway, beach or other area to which the public have access without payment • a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street

Appendix B – Prohibited Streets

Northampton Area

The following roads and streets including any forecourts, roads, footways, laybys or other areas adjacent thereto within a distance of 10 metres shall be designated as prohibited streets for the purposes of Schedule 4 to the Local Government (Miscellaneous Provisions) Act, 1982.

A THE CENTRAL AREA

Abington Street, Albert Place, Albion Place, Angel Street, Bradshaw Street, Bridge Street, Broad Street, Campbell Square, Campbell Street, Castilian Street, Castilian Terrace, Cheyne Walk, Church Lane, College Street, Commercial Street, Dergate, The Drapery, Dychurch Lane, Fetter Street, Fish Street, Foundry Street, Gas Street, George Row, Gold Street, Greyfriars, Guildhall Road, Hazelwood Road, Horsemarket, Horseshoe Street, King Street, Kingswell Street, Lady's Lane, Lower Mounts, Mayorhold, Mercers Row, Newland, Notre Dame Mews, Regent Street The Ridings, St Giles Square, St Giles Street, St Giles Terrace, St James Place, St James Street, St Johns Street, St Katherine's Street, St Peters Way, Sheep Street, Silver Street, Spencer Parade, Spring Gardens, Swan Street, Upper Mounts, Victoria Gardens, Victoria Promenade, Victoria Street, Wellington Street, Wood Hill, Woolmonger Street, York Road.

B RADIAL ROUTES

- A508 London Road, Cotton End, Bridge Street, A43 Towcester Road, Southern Approach
- A45 Weedon Road (except for the layby on the south side thereof at Upton), Spencer Bride Road, Grafton Street, Grafton Square.
- A428 Harlestone Road, St James Road, Westbridge, Black Lion Hill.
- A50 Welford Road
- A508 Harborough Road, Kingsthorpe Road, Barrack Road.
- A43 Thorpeville Road, Booth Rise, Kettering Road North, Kettering Road, Abington Square.
- A4500 Wellingborough Road

A428 Bedford Road

C OTHER PARTS OF THE HIGHWAY NETWORK

- (i) Upton Way, Danes Camp Way, Mereway, Nene Valley Way
- (ii) Tollgate Way, Bants Lane, Mill Lane, Kingsthorpe Grove, Kingsley Road, Abington Grove, Abington Avenue, Park Avenue North, Rushmere Road.
- (iii) Park Avenue South, (other than the East side thereof from a point 139 metres (457 feet) north of its junction with Christchurch Road for a distance of 10 metres (33 feet) northwards).
- (iv) St Andrews Road, Burleigh Road.
- (v) Holly Lodge Drive, Red House Road, Talavera Way, Great Billing Way (except for the layby on the east side thereof at Rectory Farm).
- (vi) Lumbertubs Way.

Daventry Area

A43; A508; A50; A428; A5; A45; A361, A425 and the lay-by to the east of the A43 near the Hannington Crossroads, which is a 60mph speed limit