



Local Government (Miscellaneous Provisions) Act 1982

## Street Trading Consent Application

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1. Do you trade in your own name or as a firm or as a limited company?

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2. (i) If trading in your own name please state full name and address

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(ii) If as a firm, please state name of firm, its principal business address together with the full names and addresses of all partners

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(iii) If as a limited company please state full name of the company together with the registered office and the full names and addresses of all directors

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3. Ages (if over 21 state "over 21" .....

4. Telephone number : .....

5. Articles to be sold (you must give a full description or everything you propose to sell)

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6. Type of vehicle to be used (if appropriate)

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7. Registration No. of vehicle:

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8. If not using vehicle, proposed method of sale

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.....

9. Give details of the place where the vehicle and goods are normally housed.

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10. Name and address of any employees authorised by you to trade from the vehicle/stall

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11. If you are granted a Consent, when and where do you propose to trade. Please give intended days and areas of the Borough

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Give any additional information/details which you wish to be considered when dealing with your application.

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12. The application fee can be found in the Fees & Charges table on this website and must accompany this form.

13. This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see <http://www.fylde.gov.uk/council-and-democracy/data-protection/fair-processing-notice/> or contact the Borough Council's Head of Legal Services

Signature of Applicant:

Date:



**Notes**

1. If your application is refused your fee will be refunded.
2. Every Consent is renewable on or before 1st January each year and lasts for up to one year expiring on the 31st December thereafter.
3. Completed forms must be return to:-

Consumer Wellbeing & Protection  
Town Hall  
Lytham St. Annes  
FY8 1LW

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**For Office Use Only**

Fee Paid: .....

Environmental Health Officer's Comments: .....

Date Vehicle Inspected (if appropriate): .....

Environmental Health Officer: .....

Consent Granted: YES/NO

Consent Number: .....



# FYLDE BOROUGH COUNCIL

## Street Trading Consent Conditions

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1. Consent will not be granted if it is considered that one or more of the conditions of the consent will be breached.
2. The consent granted by the Council is personal to the consent holder and is not transferable. Where the consent holder is an employer, this consent will apply to named employees who have been previously notified to and approved by the Council. The consent may only be transferred to another vehicle, container or stall with the prior consent in writing of the Council.
3. The consent granted by the Council may be revoked at any time, should one or more of the conditions be breached.
4. Applications for a street trading consent, other than ice-cream vendors, must state the site from which they wish to trade.
5. The consent holder shall trade only on the site as specified in the consent.
6. The holder may apply for a variation in respect of the site. Such application for variation must be in writing and give details of the proposed relocation.
7. It is the applicant's responsibility to ensure that the site they are applying for is suitable and they have a legal right to trade. No responsibility will be accepted by Fylde Borough Council for persons found to be trading from unsuitable or illegal sites.
8. Only goods specified in the consent may be sold from the vehicle, container or stall specified in the consent.
9. Nuisance or annoyance shall not be caused by the consent holder or any of his/her employees to persons using the street or otherwise.
10. No obstruction of any street or right of way or danger to the public shall be caused by the consent holder or any of his/her employee of his.
11. The consent holder shall not permit any nuisance, obstruction or annoyance to be caused by the presence of his / her trading activities to persons occupying nearby residential or commercial premises.
12. The name and address of the consent holder shall be displayed conspicuously on the vehicle, container or stall used by him/her.
13. The consent holder shall comply with all legislation relevant to the conduct of the business in which he/she is engaged and ensure that any vehicle used by him in connection therewith is in a roadworthy condition and where necessary taxed and insured.
14. The consent holder or any person employed by him/her shall not use any loudspeaker, whistle, horn, bell or their audible method to attract custom, PROVIDED that this shall not apply to the chimes of an ice cream van during permitted hours of 12 noon to 7.00 p.m.

15. The consent holder shall provide adequate receptacles for rubbish and shall after trading has ceased, remove all rubbish and litter from the site.
16. The consent holder shall comply with any reasonable requirements of the Council or any of its officers or of any police officer in relation to the siting or operation of his/her street trading business.
17. The Council may forfeit this consent if consent holders shall without good cause fail to comply with any condition herein.
18. Any consent issued will only be valid in relation to a single vehicle, container or stall.
19. The consent holder shall at the request of the Council present the vehicle, container or stall for inspection at such time and place as required by the Council.
20. consents will not be granted to persons under the age of 17 years.
21. consents will be granted for the period 1st January to 31st December inclusive, after which renewals, where given, will relate annually.
22. The fee, which must accompany the application, can be found in the Fees & Charges table on this website. If the application is received after 1st July in any given year, the fee will be half the annual fee. All consents expire on the 31st December. The fee will be refunded if the consent is not granted.

N.B. The Law provides that any person who trades in a "consent Street" without having obtained the consent of the Council shall be guilty of an offence.

The following special conditions apply to this consent:

#### Summary of the Code of Practice on Noise from Ice Cream Van Chimes etc.

It is an offence to sound your chimes before 12 noon or after 7.00 p.m. It is also an offence to sound your chimes in such a way as to give reasonable cause for annoyance. A code of practice approved by the Government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:-

#### Do Not Sound Chimes

1. for longer than 4 second at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. when in sight of another vehicle which is trading;
5. when within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
6. more often than once every 2 hours in the same length of street;
7. louder than 80 dB(A) at 7.5 metres;
8. as loudly in quiet areas or narrow streets as elsewhere.

#### Remember:-

It is an offence to sound your chimes before 12 noon or after 7.00 p.m.

It is an offence to sound your chimes at any time in a way which gives reasonable cause for annoyance.



# FYLDE BOROUGH COUNCIL

## Local Government (Miscellaneous Provisions) Act 1982

### Application for Trading in “Consent Streets”

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In accordance with the Local Government (Miscellaneous Provisions) Act 1982, Fylde Borough Council have resolved that all streets within the Borough (with the exception of those streets designated as prohibited – See Appendix A) be designated as consent streets for the purposes of street trading.

NOTE: Consents in respect of streets (areas) listed under Schedule B is granted by the Chief Executive in accordance with the wishes of the Council. Currently, consent is granted in respect of 7 fixed pitches on land in the ownership of the Council i.e. off the public highway. Consent to trade on this land which is in the ownership of the Council is fixed in respect of each individual site. In respect of Schedule C and D, due to the nature of the areas, the type of trading allowed will be restricted. Such restrictions will be dependent upon the type of street trading proposed. Therefore, in addition to the information as requested on the enclosed application form, the Authority will require other supporting documentation in order to determine the suitability of the type of trading allowed and the restrictions to be imposed. This is in order to ensure that such trading compliments the area and does not conflict with the use of the area.

It is therefore **important to note that** consent to trade in respect of this application does not include consent to trade in the areas defined under Schedules B or C.

#### Guidance Notes for Applicants

A “Consent Street” is fined as a street in which street trading is prohibited without the consent of the districts council.

“Street Trading” means the selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:-

- (a) trading as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1971;
- (b) anything done in a market or fair the right to hold which was acquired by Virtue of a grant, enactment or order;
- (c) trading in a trunk road picnic area provided under the Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading at
  - (i) a petrol filling station;
  - (ii) at a shop or in a street adjoining premises so used and as part of the business of the shop;
- (f) selling things, or offering or exposing them for sale as a roundsman.

The reference to trading as a news vendor in (d) above is a reference to trading where:-

- (1) the only article sold or exposed or offered for sale are newspapers or periodicals; and
- (2) they are sold or exposed for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:-
  - (i) exceed 1m in length or width or 2m in height;
  - (ii) occupy a ground area exceeding 0.25sq.m;
  - (iii) stand on the carriageway of a street.

Any application for street trading consent must be made to the Council in writing on the attached form.

The Council will consider all applications for "Consent" and may grant such consent if they think fit.

Consents will not be granted to persons under the age of 17 years.

A Street Trading Consent will be granted for 12 months only and may be revoked at any time.

Conditions are imposed on each applicant granted such a consent (see attached). The Council have the power to vary the conditions of the consent at any time.

For consent to trade a fee is required. This can be found in the Fees & Charges table on this website

The Law provides that any person who trades in a "consent street" without having obtained the consent of the Council shall be guilty of an offence.

It is also an offence to street trade in a consent street listed under Schedules B and C without the consent of the Chief Executive and in a prohibited street as listed under Schedule A.





Local Government (Miscellaneous Provisions) Act 1982

## Street Trading

The streets in Schedule 'A' are designated as Prohibited Streets for the purposes of street trading, and the streets in Schedule 'B' and 'C' are designated as consent streets for which authorisation from the Chief Executive is required. It is important to note that consent to trade in respect of consents granted by the Consumer Wellbeing and Protection Unit do not include consent to trade in the areas defined under Schedules 'B' and 'C'. Schedule 'D' relates to areas identified as event areas where consents may be issued for a limited period of time, subject to the stated Policy.

### Schedule A

Albany Road  
All Saints Road  
Ansdell Road South (from Inner Promenade)  
to Clifton Drive)  
Astland Street

Avon Street  
Arundel Road (Princes Road to Lake Road North)  
Back Commonside  
Back North Crescent  
Back Rossall Road  
Back St. Annes Road West  
Back West Crescent  
Back Woodlands Road  
Bazley Road  
Ballam Road (from Westby Street to  
Guardian Royal Exchange Assurance  
Co. Ltd. entrance)  
Bannister Street  
Bath Road  
Bath Street and its continuation access  
to Lytham Promenade  
Beach Avenue  
Beach Road  
Beach Street  
Beauclerk Road  
Bentinck Road  
Blackpool Road (from Albany Road to  
Cambridge Road)  
Bromley Road  
Buckingham Road

Gregson Street  
Grosvenor Street

Hastings Place  
Highbury Road West (from  
Clifton Drive North to  
St. Davids Road North)  
Hornby Road

Inner Promenade  
Kensington Road  
Kingsway (Woodlands Road  
to Lake Road North)  
King Edward Avenue  
Kings Road  
Lake Road (from Inner  
Promenade, Clifton Drive  
South)  
Lightburne Avenue  
Links Gate  
Links Road  
Lowther Terrace

Marine Drive  
Market Square  
Miletas Place  
Myra Road

North Promenade

## Schedule A Cont'd

Cartmell Road	Orchard Road
Central Beach	Oxford Road (Back
Cartmell Road	Woodlands Road to Ansdell
Central Beach	Road North)
Church Road (Lytham)	St. Andrews Road South
Clifton Drive (Ansdell/Lytham)	(from West Crescent to
Clifton Drive North	St. Thomas Road)
	St. Annes Road East (from
	Railway to Headroomgate
	Road)
Clifton Drive South	St. Davids Road South
Commonside	St. Georges Lane
Coronation Road	St. Georges Road
Crescent, The	St. Georges Square
Cyprus Avenue	St. Johns Street
Denford Avenue	St. Patricks Road South
Derbe Road	St. Pauls Avenue
Dicconson Terrace, and its continuation	St. Thomas Road
access to Lytham Promenade	Sandgate
Douglas Street	Seafield Road
Dove Street	South Promenade
Denmark Road	Station Road
East Beach	Swainson Street
Eastbank Road	Todmorden Road
Eddington Road	Upper Westby Street
Fairhaven Road	Warton Street
Fairlawn Road	West Beach
Fylde Road (Ripon Road to Albany Road	Westby Street
Park Road	Windsor Road (Woodlands
Park Street	Road to Pembroke Road)
Pleasant Street	Windsor Road (Pembroke
Pollux Gate	Road to Ansdell Road South)
Preston Road	Wood Street
Pembroke Road	Woodlands Road
Princes Road	Woodville Terrace
Queen Street	Worsley Road (from Hilton
Ribble Street	Avenue to Links View)
Richmond Road	
Ripon Road	
Rutland Court	
Rutland Road	
Riley Avenue	
Rossall Road (from Gordon Road to	
Ansdell Road)	
Seymour Road	
St. Albans Road	
St. Andrews Road North (from St. Annes	
Road West to Beach Road)	

All of which streets are in the area known as Lytham St. Annes, Lancashire

## **Schedule B**

All that land fronting the Lifeboat House, Lytham.

All that land and foreshore between Ansdell Road South and Squires Gate Lane, Lytham St. Annes, Lancashire, in the ownership or control of the Fylde Borough Council and lying on the seaward side of Inner Promenade, South Promenade, North Promenade, Clifton Drive North, Stanner Bank Car Park, Fairhaven Lake Car Park, St. Pauls Avenue Car Park, Fairhaven Road Car Park and North Promenade Car Park.

## **Schedule C**

St Annes Road West (including St Annes Square)  
Clifton Square

## **Schedule D**

Following a decision of the Public Protection Committee on 19<sup>th</sup> January 2010, the following additional areas have been designated as consent streets for the purposes of street trading.

Ashton Gardens  
Wood Street  
Wood Street Car Park  
Lowther gardens and car park  
Inner promenade between Ansdell Road South and St. Pauls Ave  
East Beach, Central Beach and West Beach Lytham

Applicants should note that all applications for street trading consent in an area listed within Schedule D will be considered by the Public Protection Committee. The Committee meets on an ad hoc basis and it is strongly advised that applications are submitted at least 2 months prior to an event to allow full consideration of that application.

Applications for consent in schedule D will be considered in accordance with the following guidelines:

- i) Consents will only be issued for specific events which have a tangible and measurable benefit to the Fylde, its residents and businesses.
- ii) Applications for consents shall not be for the financial benefit of individuals at the expense of local residents or businesses. Priority shall be given to local traders.
- iii) No consent shall be granted for a type of trading which the Committee consider will detract from the Borough's "classic resort" status.

Finally, applicants should note that all granted applications will be subject to monitoring by Officers of the Authority. Non compliance of licence conditions or trading which causes nuisance or annoyance during an event may lead to a recommendation to the Public Protection Committee that future applications from an applicant are refused.