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**Our reference:**  
**Your reference:**  
**Date:** Friday, 4 October 2024

To all Members of the Licensing Committee

Dear Councillor

A Meeting of the Licensing Committee will be held on Monday, 14 October 2024 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
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Yours sincerely



Sara Pregon  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence
2. Declarations of Interest  
  
[Link to further information in the Council's Constitution](#)
3. Minutes of the Meeting held on 17 October 2023 (Pages 1 - 6)
4. Gambling Act 2005 - Draft Statement of Licensing Principles 2025-2028 (Pages 7 - 48)  
  
The report of the Director – Neighbourhoods is attached
5. Street Trading Policy 2025-2030 (Pages 49 - 94)  
  
The report of the Director – Neighbourhoods is attached

## Membership

Chair: Councillor H Parekh

Councillors: J Billin, J Chaplain, K Chewings, J Cottee, G Fletcher, C Grocock, R Mallender, D Mason, H Om, A Phillips, N Regan, D Simms, D Soloman and G Williams

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**MINUTES  
OF THE MEETING OF THE  
LICENSING COMMITTEE  
TUESDAY, 17 OCTOBER 2023**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,  
Rugby Road, West Bridgford  
and live streamed on Rushcliffe Borough Council's YouTube channel

**PRESENT:**

Councillors P Matthews (Chair), A Brown, R Butler, J Chaplain, K Chewings, G Fletcher, C Grocock, R Mallender, H Om, N Regan, D Soloman, T Wells and G Williams

**OFFICERS IN ATTENDANCE:**

G Carpenter  
M Hickey

Service Manager - Public Protection  
Principal Officer – Community Safety  
and Licensing

D Roberts  
H Tambini

Senior Licencing Officer  
Democratic Services Manager

**APOLOGIES:**

Councillors J Billin, H Parekh and G Wheeler

**1 Declarations of Interest**

Councillor Regan made a late declaration in respect of Item 4 that his principle income came from a property that he owned, which his wife held the licence for, and having reviewed the documents before the meeting, he could not see anything that would put him in a position of conflict; however, he questioned if he was allowed to vote on the item.

The Chair advised that as this report was looking at amendments to an existing Policy, most of which were regulatory in nature, and having made a declaration, he was happy that Councillor Regan could take part in the discussion of the item and vote.

**2 Minutes of the Meeting held on 2 November 2022**

The minutes of the meeting held on 2 November 2022 were approved as true record, subject to the inclusion of Councillor Butler in the list of those present at the meeting and signed by the Chair.

**3 Statement of Licensing Policy 2024-2029**

The Service Manager – Public Protection introduced the Principal Officer – Community Safety and Licensing and the Senior Licensing Officer to the Committee.

The Senior Licensing Officer introduced the report and advised that it was a statutory requirement of the Licensing Act 2003 for the Council, as Licensing

Authority to have a Statement of Licensing Policy, which had to be updated every five years, and the new Policy had to be adopted by 7 January 2024. Whilst reviewing the Policy, the Committee was advised that a group exercise had been undertaken with all licensing authorities in the county (NALG), with a general policy being agreed, which was then tailored to each individual Licensing Authority. The Policy set out how Rushcliffe Borough Council intended to manage the requirements of the Licensing Act 2003.

The Committee was advised that there were a number of proposed changes to the Policy, to reflect changes in legislation and to local communities, with some of the suggested changes proposed by other authorities. The Policy had been put out to public consultation for six weeks, with only one representation made by the Public Health team at Nottinghamshire County Council.

The Senior Licensing Officer referred to the revisions to the previous Policy, which were detailed in Paragraph 4.5 of the report and Appendix B. Following on from that overview, Councillors asked questions and made comments and officers responded.

Councillor Mallender questioned what a substantial change to a premises would be in respect of requiring a change to a licence, and the Senior Licensing Officer advised that a major variation would involve increasing the size of a premises, for example to cater for 150 people rather than 100, whereas a minor variation would involve for example a change in the layout of a room. He went on to advise that a variation would only be required if the area in question being changed was not covered by an existing licence.

Councillor Mallender praised the 'Ask for Angela' initiative referred to in Section 7.13 of the Policy, and the Senior Licensing Officer confirmed that checks were made to ensure staff in premises were aware of this and what to do if approached by a person who was feeling unsafe or threatened. Councillor Matthews stated that the revisions were calling for additional, mandatory training for this initiative, and that was confirmed by the Senior Licensing Officer.

Councillor Chewings questioned how the membership of any Licensing Sub-Committee was selected from the main Licensing Committee, and the Service Manager – Public Protection advised that a Councillor would have to be appropriately trained, available to attend at relatively short notice and not conflicted in terms of any declarations of interest.

Councillor Williams referred to pavement licences and asked if applying for such a licence would have an impact on a premises licence and the Senior Licensing Officer advised that the sale of rather than the consumption of alcohol was a licensable activity.

Councillor Matthews asked how the procedures around ensuring the safety of staff particularly females getting home safely after working late was checked to ensure that this Policy was being adhered to. The Senior Licensing Officer advised that checks were mainly undertaken as part of licensing visits by Council officers and also Nottinghamshire Police, which also had a licensing section.

Councillor Soloman went on to question how female staff, especially teenage girls in their first jobs, were made aware of their entitlements, if their employers failed to tell them, and if they had a problem would they know where to go and what to do. She asked what protection and support was in place, to ensure that they could report problems. The Senior Licensing Officer advised that the Police regularly circulated information from the Police and Crime Commissioner (PCC), and checks were made during late night enforcement visits. Councillor Soloman asked if the PCC could be asked to produce some follow up literature, to expand the programme already introduced to support those vulnerable girls. The Service Manager – Public Protection reminded the Committee that the Policy was there to ensure that all licensed businesses with the Borough operated within that Policy, with the Policy demonstrating that businesses should have regard to safeguarding, with the onus on those businesses to comply with that Policy. In conclusion, Councillor Matthews sought assurance from officers that they would follow up and speak with premises management and staff during their visits, and officers advised that they already did this.

Councillor Grocock questioned the objective around public health and the correlation or causality between alcohol related harm and the licensing of pubs, bars and community venues, and stated that there was significant evidence to suggest that drinking at home, together with the price of alcohol in supermarkets were far greater causes of alcohol related harm. He reminded the Committee that pubs had large overheads, with many closing each week and it was noted that the Policy stated that pubs not only contributed to the attraction of an area, but they also created other benefits, including employment, economic development, together with a role in community development and local services. Councillor Grocock considered that moderate drinking in a pub environment actually contributed to public health in a wider sense and was not a direct contributor to alcohol related harm and sought assurance that with the proposed changes to the Policy, pubs, particularly in rural areas would continue to be granted licences.

Councillor Matthews referred to Paragraph 4.8 in the Policy and stated that he had previously asked how those eight areas had been identified and been advised that the information had been provided from the Public Health team at Nottinghamshire County Council and he understood that the change to the Policy was only to encourage applicants to consider what they were doing to mitigate risks. He went on to question if there was any additional burden on applicants located in those areas.

In answer to those questions, the Service Manager – Public Protection advised that public health was not currently a licensing objective and therefore neither the Council nor the Public Health team could require any stringent conditions on premises licences on public health grounds. The Public Health team was trying to identify areas where there appeared to be a correlation between public health harm and alcohol, and to engage and raise awareness with licensed premises in those areas. The Senior Licensing Officer referred to the data supplied by the Public Health team and stated that he had noticed that in some areas where there were high instances of alcohol related illness, there was only one outlet in that location, which indicated that it was more likely to be

linked to consumption at home rather than in the one pub. The Principal Officer – Community Safety and Licensing also reminded the Committee that the previous Policy contained references to public health, but in less detail, this information had been amended due to information from the Public Health team.

Councillor Grocock stated that in respect of serious cases of alcohol abuse and harm, it was difficult to map out the correlation between drinking at home and in establishments; however, he felt that often those suffering acute harm could find support in a pub environment and it was also not up to a licensee to address public health concerns.

Councillor Fletcher questioned how the data related to his ward in Ruddington as there were a number of pubs in the southern part of the ward and the Senior Licensing Officer advised that the data supplied was from the Public Health team and was not identifiable to a particular person or establishment.

Councillor Butler referred to alcohol delivery services and asked if the regulations applied to home deliveries and the Senior Licensing Officer advised they would do if those conditions were in their licence.

Councillor Matthews followed on from that and asked about online retailers outside of the Borough and questioned if they would require a licence from the area that they distributed from, and the Senior Licensing Officer stated that retailers only required a licence at the premises where money was exchanged.

Councillor Williams referred to the areas identified by the Public Health team in Paragraph 4.8 in the Policy, together with the references to cumulative impact in Paragraphs 7.27 and 7.28 and given that those two issues appeared to cross over, he questioned why the narrative on cumulative impact had been removed, whilst Paragraph 4.8 remained in the Policy, and asked if the Public Health team had asked for it to be included. He felt that as the document was not live, those areas could become outdated and asked if that list would change each time the Policy was reviewed. The Senior Licensing Officer confirmed that the Public Health team was a responsible authority and it had requested the inclusion of the data in the Policy, which was also included in all other policies across the county. He went on to confirm that minor changes to the Policy could be made in the meantime, should new information be provided or requested

Councillor Regan asked if the inclusion of the areas was a national or local policy, had any consideration been given to the costs that premises would incur and would the list of areas in Paragraph 4.8 prejudice premises within those areas. The Service Manager – Public Protection confirmed that the Public Health team had requested the inclusion of the list and advised that it had little or no bearing in terms of enforcement, or to the determination of applications, it was included to raise awareness for new applications for premises licences in those areas, regard should be taken to the fact that there was elevated alcohol related harm and plans should be in place, which would be checked through the application process. The Principal Officer – Community Safety and Licensing Officer also reminded the Committee that in the previous Policy, Paragraph 4.7 included a list, which was smaller, and given the increased data set from the Public Health team, the new list had been expanded, and he

confirmed that officers had not seen or recognised any harm to premises in the last five years.

Councillor Grocock stated that if a causality between licensing and a public health issue in those areas had not been established, why were those areas specifically referred to in the Policy. He was pleased to note that so far there had been no impact on businesses; however, he considered that potentially there could be an impact and he proposed that the list of areas should be removed from the Policy.

In seconding the proposal, Councillor Soloman questioned what was in the data provided by the Public Health team.

Councillor Chewings sought clarification regarding the proposal, and Councillor Matthews confirmed that Paragraph 4.8 in the Policy was proposed to be removed, which would have a bearing on Paragraph 4.9 and he suggested that this section should be generalised to state that licensees should have consideration for alcohol related harm throughout the Borough.

**It was RESOLVED that :**

- a) Paragraph 4.8 of the Policy be removed, and Paragraph 4.9 of the Policy be amended to refer to the Borough rather than specific areas; and
- b) subject to resolution a) above, the Statement of Licensing Policy be endorsed and recommended to Council for approval.

The meeting closed at 8.15 pm.

CHAIR

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## Licensing Committee

Monday, 14 October 2024

### Gambling Act 2005 - Draft Statement of Licensing Principles 2025-2028

#### Report of the Director – Neighbourhoods

##### 1. Purpose of report

- 1.1. The Council's current Statement of Principles made under the Gambling Act 2005 ("the Act") was approved in 2021. Rushcliffe Council is a Licensing Authority under the Gambling Act 2005. As a Licensing Authority the Council must determine and publish its statement of principles every three years.
- 1.2. In determining the Policy, the Council must carry out the statutory consultation as provided by the Act. Once the revised Policy has been reviewed and published it will be valid until 31 January 2028.

##### 2. Recommendation

It is RECOMMENDED that the Statement of Principles be endorsed and sent to Full Council for approval.

##### 3. Reasons for Recommendation

The Council is required to produce a Gambling Act 2005 Statement of Principles upon which it will base its decisions. If approved the final Policy will go forward for approval by Full Council and adoption by no later than 31 January 2025.

##### 4. Supporting Information

- 4.1. Each Licensing Authority is required before each successive three-year period, to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act during that period. This document is commonly referred to as the authority's Statement of Principles.
- 4.2. There are three licensing objectives set out in the Act, as follows:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - Ensuring that gambling is conducted in a fair and open way;
  - Protecting children and other vulnerable people from being harmed or exploited by gambling;

- 4.3. The Statement of Licensing Policy is prescribed by Central Government in its guidance to Local Authorities. The Policy has to comply with guidance issued by central government. The current Policy is compatible with this advice and guidance.
- 4.4. It should be noted that the Government intend to review the gambling regime in accordance with their manifesto, and as highlighted in the consultation response from James Naish MP, see Appendix 3. However, this review will fall too late to be included within this Policy, which may therefore need a further review in accordance with any Statutory changes later. The proposed Policy reflects current legislation and Government Guidance at this time.
- 4.5. The Draft Statement of Principles, which is attached has been subject to an extensive consultation with members of the trade, responsible authorities, current licence holders and Members.
- 4.6. A list of amendments and response to the consultation on the draft Statement of Principles is attached at Appendix 2 and 3 to this report.

## **5. Alternative options considered and reasons for rejection**

No alternatives considered.

## **6. Risks and Uncertainties**

The Council will be at risk of legal challenge if a properly consulted and adopted Statement of Principles 2025-2028 is not in place by 31 January 2025.

## **7. Implications**

### **7.1. Financial Implications**

There are no financial implications arising from this report. The cost of the service is broadly met by the fees received from licences.

### **7.2. Legal Implications**

Our current statement expires on 31 January 2025, and it is necessary that the Council adopts and publishes a revised statement of principles by this date. If the Council fails to do this, then it will be unable to fulfil its statutory duties, with possible additional financial and legal consequences arising as a result.

### **7.3. Equalities Implications**

An Equalities impact assessment has been undertaken and is attached to this report.

#### 7.4. Section 17 of the Crime and Disorder Act 1998 Implications

One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The policy supports and assists with crime and disorder reduction by controlling those who manage premises open to members of the public and imposing conditions on relevant premises licences.

#### 7.5 Biodiversity Net Gain Implications

There were no implications arising from this report.

### 8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

### 9. Recommendation

It is RECOMMENDED that the Statement of Principles be endorsed and sent to Full Council for final approval.

<b>For more information contact:</b>	Geoff Carpenter Head of Public Protection Tel: 0115 9148438, <a href="mailto:gcarpenter@rushcliffe.gov.uk">gcarpenter@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Report to Full Council 6 December 2021 ‘ Gambling Act 2005 - Statement of Principles
<b>List of appendices:</b>	Appendix 1: Statement of Principles 2025-2028 Appendix 2: List of changes following consultation Appendix 3: Summary of consultation responses Appendix 4: Equalities Impact Assessment

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# **Gambling Act 2005**

## **Statement of Licensing Principles 2025 - 2028**

## Rushcliffe Borough Council

### Version History

Version No:	Period to which policy applies:	Review date:
1	2007-09	2009
2	2010-12	2012
3	2013-16	2015
4	2016-19	2017
5	2017-19	2018
6	2019-22	2021
7	2022-25	2024
8	2025-28	2027

# **Statement of Gambling Policy**

## **Gambling Act 2005**

### **Preface**

The Gambling Act 2005 provides the regime for regulating gambling and betting. Apart from the National Lottery and spread betting, gambling, and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Rushcliffe Borough Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place, and to license other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

The Council has consulted various bodies and organisations regarding this statement (see Appendix One). The consultation period ran from 21 July 2024 to 06 September 2024.

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# 1. Introduction and Scope

## Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 [“the Act”] imposes a statutory requirement upon Rushcliffe Borough Council as the statutory Licensing Authority [“the Authority”] to prepare a Statement of Principles [“the Statement”], and to review it every three years. However, should the need arise, the Authority may review and alter the policy within that period

## Licensing Objectives

- 1.2 **In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The three objectives are as follows:**
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
  - Ensuring that gambling is conducted in a fair and open way; and
  - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The aim of the Authority in this Statement is to address the impact of licensed premises in terms of crime and disorder arising from gambling and to ensure that their location and internal layout are appropriate with a view to protecting children and vulnerable persons. The Authority is committed to partnership with all stakeholders with a view to the promotion of this aim. The Authority recognises the impact that unregulated gambling may have on its community and sustainability as a viable local economy and in delivering the gambling regime will, with regard to the principles set out in this Statement, seek to support its local economy and protect vulnerable people. In doing so it will consider each application on its own merits within the context of this Statement, the legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.4 The Authority will in the statutory discharge of its functions have regard to the principles to be applied in exercising its powers:
- under Section 157 of the Act to designate in writing a body competent to advise the Authority about the protection of children from harm.
  - under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence or in relation to an application for or in respect of a premises licence.
- 1.5 Subject to statutory provision, a review of this Statement will take place periodically and in any event every three years. Any revisions to the Statement will be made taking into account information collated over a period of time; the outcomes of related initiatives at central and local government level and following appropriate consultation.
- This Policy takes effect on **03 January 2025** and replaces the policy previously in force.
- 1.6 Nothing in this Statement should be regarded or interpreted as any indication that any statutory requirement of gambling or other law is to be overridden.

## Declaration

- 1.7 The Authority in preparation of this Statement have had due regard to.
- The Gambling Act 2005.
  - The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
  - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act.
  - Responses from those consulted on the Statement, and the reviews thereof.

## Consultation

The Gambling Act requires the licensing authority to consult the following on the Licensing Authority Statement of Policy or any subsequent revision:

- In England and Wales, the chief officer of police for the Authority's area.
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area; and
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.

A full list of consultees is shown in [appendix 1](#).

## 2. Approval of policy

- 2.1 This Policy was approved at a meeting of the full Council on [5 December 2024](#) and is available on the Councils website. Copies are available on request.

It should be noted that this Policy does not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence, as each case will be considered on its own merit and according to the requirements of the Act.

### Local Area Profile

- 2.2 Rushcliffe lies immediately south of the City of Nottingham and the River Trent and extends across towards Newark in the northeast and Loughborough in the southwest. Rushcliffe covers 157 square miles (around 400 sq. km) and the circumference of the Borough is 76.6 miles (123.3km).

Although parts of the Borough lie close to Nottingham, Rushcliffe has a strong identity of its own. The main centre of population is West Bridgford, where over 40,000 of the Borough's population of 120,000 live. The remainder of the district is largely rural, with the centres of population split between small towns and villages.

West Bridgford can boast that it is the home of two of the most famous names in the world of sport - the Trent Bridge Cricket Ground and the City Ground, home of Nottingham Forest Football Club. The National Water Sports Centre is nearby at Holme Pierrepont. These top-class facilities are complemented by an excellent range of sports and leisure facilities provided by the Council.

The population of the Borough at the time of the 2021 Census was 119,000. This represents approximately a 7.1% population increase over the monitoring period. The

East Midlands region's population increased by 7.7% over the same period with the English population increasing by 6.6%. The balance between male and female residents is 49% male and 51% female. The 2021 Census results show that the Borough has an ageing population, with residents over 65 representing 21.7% of the population (compared with 18% in England). There are more than 7,200 residents over the age of 80, representing 6% of the Borough's population, compared to 5% in England. The percentage of the population aged over 65 within the Borough increased by 26% between 2011 and 2021.

### **Ethnicity**

90% of the Rushcliffe population gave their ethnic group as 'White' in the 2021 Census. The largest non-white ethnic group in the borough is 'Asian/Asian British' at 5.7%, followed by 'Mixed/Multiple Ethnic Group' (2.8%), and 'Black or Black British' (0.9%).

### **Deprivation**

According to the IMD (Indices of Multiple Deprivation) 2019 rankings, Rushcliffe Borough is one of the least deprived in England, being ranked at fourth least deprived in the country based on the overall IMD score (out of 317 local authorities). There are pockets of relative deprivation in the borough with areas in Cotgrave and Keyworth amongst the 40% most deprived in England.

### **Economy Unemployment**

At the start of the Core Strategy monitoring period, unemployment was 5.2% (March 2012). It has since decreased to 1.9% for the year ending March 2023. Economic activity rates compare favourably to the East Midlands and national averages. As of March 2023, 84% of residents aged 16-64 were economically active in Rushcliffe, compared to 77.7% for the East Midlands and 78.4% for Great Britain.

### **Labour Supply**

Employment by occupation (March 2023) Education 85.8% per cent of pupils in the borough gained English and Mathematics grades of 9 - 5 (A\* - C equivalent) for the 2019/20 year. This was significantly higher than the Nottinghamshire average of 67.6% (Source Rushcliffe Local Plan Monitoring Report 2022/23, <https://www.rushcliffe.gov.uk/media/rsfjv0ei/local-plan-monitoring-report-2023.pdf>)

### **Crime**

Rushcliffe is characterized by a low crime rating.<sup>1</sup>

It stands 24th in the crime rate ranking among 25 neighbouring districts, with 5,619 reported incidents in 2023. With a population of 119,077, the crime rate is 47.19 per 1,000 residents, indicating a 9.96% decrease from the last year.

The most frequent crimes in Rushcliffe are Violence and sexual offences (31.3%), Anti-social behaviour (15.0%), and Shoplifting (11.4%), with the least common being Possession of weapons (1.0%), Robbery (0.5%), and Theft from the person (0.3%).

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<sup>1</sup>[Rushcliffe crime rate Interactive maps and visualisation \(crimesinmyarea.co.uk\)](https://www.rushcliffe.gov.uk/media/rsfjv0ei/local-plan-monitoring-report-2023.pdf)

Among its 25 wards, Rushcliffe's areas with higher crime rates include Trent Bridge (143.8), Gotham (62.4), Edwalton (62.0), while the safest wards are East Bridgford (26.1), Bunny (24.8), Tollerton (19.3).

In Rushcliffe, Anti-social behaviour saw an increase of 8.44% in 2020, but then it decreased by 3.13% in 2021 and further by 9.23% in 2022. Shoplifting experienced a slight rise of 1.71% in 2022. On the decline, Other theft decreased by 2.08% in 2023, while Vehicle crime went down by 2.51% in 2020 and by 1.72% in 2023.

#### Rushcliffe crime incidents by crime type

A total of 5619 crime incidents were reported in 2023. Below is the breakdown by crime type.

- Violence and sexual offences – 1758 (31.3)%
- Anti-social behaviour – 841 (15.0)%
- Shoplifting – 641 (11.4)%
- Criminal damage and arson – 488 (8.7)%
- Other theft – 434 (7.7)%
- Public order – 379 (6.7)%
- Vehicle crime – 365 (6.5)%
- Burglary – 256 (4.6)%
- Other crime – 142 (2.5)%
- Drugs – 129 (2.3)%
- Bicycle theft – 79 (1.4)%
- Possession of weapons – 58 (1.0)%
- Robbery – 30 (0.5)%
- Theft from the person – 19 (0.3)%

Rushcliffe ranks 24th when compared against 25 nearby boroughs/local administrative districts.

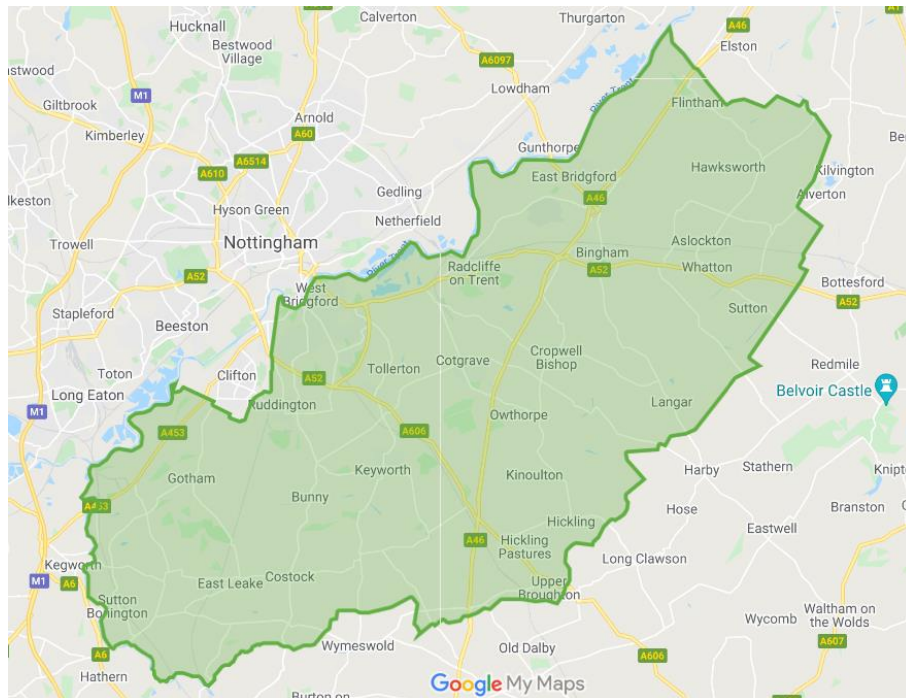
List of nearby boroughs/local administrative districts from high crime rate to low (2023):

- Derby (147.4)
- Nottingham (145.5)
- Leicester (135.5)
- Chesterfield (133.5)
- Mansfield (123.6)
- Erewash (111.6)
- Bolsover (103.1)
- Ashfield (100.2)
- Amber Valley (97.6)
- North-West Leicestershire (87.3)
- Charnwood (84.3)
- Newark and Sherwood (80.1)
- South Derbyshire (78.9)
- Blaby (76.2)
- North-East Derbyshire (75.3)
- Oadby and Wigston (75.1)
- Broxtowe (73.9)
- Melton (73.3)

- Hinckley and Bosworth (71.0)
- South Kesteven (68.8)
- Gedling (63.5)
- Harborough (56.4)
- North Kesteven (51.6)
- Rushcliffe (47.2)
- Rutland (46.6)

This local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the licensing authority and its partners. It is anticipated that the local area profile will give operators and applicants a better awareness of the local area and the risks, which includes both potential and actual risks.

### 2.3 A map showing the administrative boundaries of the borough.



### Authorised activities

#### 2.4 The Act gives licensing authorities a number of important regulatory functions in relation to gambling. Their main functions are to:

- license premises for gambling activities.
- issue provisional statements for premises.
- consider notices given for the temporary use of premises for gambling.
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes.
- regulate gaming and gaming machines in alcohol licensed premises.

- grant permits to Family Entertainment Centre's for the use of certain lower stake gaming machines.
- grant permits for prize gaming.
- consider occasional use notices for betting at tracks; and
- register small societies' lotteries.

### **Note**

Operator licences, Personal Licences and Remote Gambling are all dealt with by the Gambling Commission.

The National Lottery is now regulated by the Gambling Commission. Spread betting is regulated by the Financial Services Authority.

In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- Maintaining a close working relationship with the responsible authorities.
- Taking necessary and appropriate steps for the protection of children and other vulnerable persons; and
- The need to treat each application on its own merits taking into account the individual circumstances at each premise.

### **Relationship with other legislation**

- 2.5 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of legislation, this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.
- 2.6 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

### **“Demand” for gaming premises**

- 2.7 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

### **Rights of applicants and third parties**

- 2.8 This Statement does not override the right of any person to make an application under the Act and have that application considered on its individual merits.
- 2.9 Similarly, this Statement does not undermine the right of any third party to make representations on an application or to seek a review of a licence where provision has been made for them to do so.

### **Data sharing, data security**

- 2.10 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 will not be contravened and we will comply with the UK General Data Protection Regulations (UK GDPR). The Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by



the Secretary of State under the powers provided in the Gambling Act 2005. The Council processes all of the personal information you provide in accordance with this regulation. For further details please see our [Privacy Policy](#).

## **Equality**

- 2.11 Rushcliffe Borough Council is committed to promoting equality and diversity. The Equality Act 2010 (as amended) imposes statutory duties on the Council and our Corporate Equality Scheme demonstrates how we are meeting them and our commitment to ensuring that diversity issues are at the heart of our policy making and our service delivery.

## **3. Local Risk Assessments**

- 3.1 The Gambling Commission's Licence Conditions and Codes of Practice (LCCP) which are effective from **1 April 2024** (available at [Online LCCP](#)), formalise the need for operators to consider local risks. Local risk assessment applies to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences. This provision comes into force on 6 April 2016
- 3.2 Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making their risk assessments, licenses must take into account relevant matters identified in the licensing authority statement of licensing principles.
- 3.3 Licensees must review (and update as necessary) their local risk assessments:
- a) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy.
  - b) when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
  - c) when applying for a variation of a premises licence; and
  - d) in any case, undertake a local risk assessment when applying for a new premises licence.
- 3.4 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be reviewed:
- when applying for a variation of a premises licence.
  - to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement; and
  - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 3.5 The new social responsibility provision is supplemented by an ordinary code provision recommending good practice that licensees to share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority. Both provisions take effect from 6 April 2016.



3.6 Where concerns do exist, perhaps prompted by new or existing risks, a licensing authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

3.7 The licensing authority has an expectation that all local risk assessments will take into account the local area profile of the area.

Where an area has a high proportion of people who do not have English as their first language, the Licensing Authority will expect this to be reflected in the local area risk assessment. The provision of gamble awareness literature in languages other than English should be considered.

### **Nottinghamshire Health Statement of Policy (Gambling)**

3.8 The three statutory licensing objectives for gambling include protecting children and other vulnerable persons from harm and exploitation. Licensing policies are not currently required to address public health concerns and Public Health are not a responsible authority, as in the case of alcohol. However, the Gambling Commission has recognised the benefits of a public health whole population approach (February 2018). The Commission has identified specific groups of people who are particularly at risk:

- Ethnic groups
- Youth
- Low IQ
- Substance abuse/misuse
- Poor mental health.

It is estimated that there are over 370,000 problem gamblers in England. There are no local level estimates available. Gambling harm includes poor physical and mental ill-health and is associated with substance misuse problems especially alcohol and with smoking. It also contributes to debt problems, relationship breakdown and criminality.

3.9 There is less evidence available to support gambling Statement of Licensing Principles (SOLPs) at a local level. Nationally there is a significant amount of gambling that takes place on the internet which reduces barriers to where people can gamble. Problem gambling is linked with areas of socio-economic deprivation, so identifying areas with potentially higher levels of gambling harm can therefore be informed by the alcohol licensing maps on Nottingham Insight. <https://nottinghamshireinsight.org.uk/d/aAXSv0F>. For other health reports see [Home - Nottingham Insight](#)

## **4. Making Representations**

### **Who can make a representation?**

4.1 The Gambling Act allows “responsible authorities” (identified in section 157 of the Act) and “interested parties” to make representations to applications relating to **premises licences and provisional statements**. In the case of reviews that right is also given to the licensee. With regard to other forms of notification and permit, the right to object is

restricted to specified bodies. The following section therefore only relates to representations in respect of **premises licences and provisional statements**.

4.2 Premises licences are only necessary for the types of gambling listed below and interested parties may therefore only make representations in respect of:

- Casino premises
- Bingo premises
- Betting premises (including tracks)
- Adult gaming centres
- Licensed family entertainment centres

### **Interested parties**

4.3 Interested parties are defined as persons who **in the licensing Authority's opinion**

- Live sufficiently close to the premises to be likely to be affected by the authorised activities
- Have business interests that might be affected by the authorised activities, or
- Represent either of the above, this could include e.g. democratically elected persons such as Councillors or members of parliament.

### **Policy One**

4.4 **In determining if someone lives sufficiently close to the premises to be likely to be affected by the authorised activities or have business interests that are likely to be affected, the Authority may take any or all of the following into account:**

- **The proximity of their home or business to the application premises.**
- **The nature of their residency (e.g. private resident, resident in home for the vulnerable etc).**
- **The nature of the business making the representation.**
- **The nature of the authorised activities to be conducted on the application premises.**
- **The size and capacity of the application premises.**
- **The likely catchment area for the application premises.**
- **The routes likely to be taken to and from the application premises.**
- **The character of the area.**
- **The density of the built-up area.**
- **The topography of the area.**
- **Local area profile.**
- **Mitigating measures contained within the applicant's risk assessments.**

**Reason:** To ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.

4.5 The Authority will interpret the phrase "business interest" widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include

charities, churches, medical practices, schools and other establishments and institutions.

- 4.6 Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants' associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP, or legal representative.
- 4.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to "demand" or competition.
- 4.8 It is for the Licensing Authority to determine on a case-by-case basis whether or not a person making a representation is an "interested party". The Authority may ask for evidence to identify who is being represented and show that they have given Authority for representations to be made on their behalf. In cases which are not clear-cut the benefit of the doubt will usually be exercised in favour of the person making the representation.

#### **Form and content of representation**

- 4.9 The Act places a duty on the Authority to aim to permit the use of premises for gambling in so far as the Authority thinks the application is in accordance with:
- this Policy Statement.
  - the Commission's Guidance.
  - the Codes of Practice.
  - local area profile and applicants local risk assessments; and
  - where the application is reasonably in accordance with the licensing objectives.
- 4.10 As these are the criteria against which an application is to be assessed representations which address these issues are more likely to be accepted and given weight.
- 4.11 All representations must be made in writing and must be received by the Licensing Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and.
  - relate to the licensing objectives, or.
  - raise issues under this policy, the Commission's Guidance or Codes of Practice.
- 4.12 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined. In addition the Authority expects representations to be made in accordance with Policy Two.

#### **Policy Two**

- 4.13 **A representation should indicate the following:**

(i) The name, address and a contact number for the person making the representation.

(ii) The capacity in which the representation is made (e.g. interested party, responsible Authority, licensee) and if made as a representative should indicate who is being represented.

(iii) The name and address of the premises in respect of which the representation is being made.

(iv) The licensing objective(s) relevant to the representation.

(v) Why it is felt that the application.

- is not reasonably consistent with the licensing objectives or.
- is not in accordance with this Policy, the Commission's Guidance or the relevant Codes of Practice or.
- otherwise should not be granted or.
- should only be granted subject to certain specified conditions
- the local risk assessments are not considered suitable and sufficient; or

(vi) Details of the evidence supporting the opinion in (v).

**Reason: To ensure the representation is made by a responsible Authority or interested party and that it is relevant and directly related to the application premises.**

4.14 A preferred form of representation is available. A copy of the form can be downloaded from the [Rushcliffe Borough Council website](#) or requested directly from the Licensing service (Email: [licensing@rushcliffe.gov.uk](mailto:licensing@rushcliffe.gov.uk)). Whilst representations which are not in the preferred form or which do not fully comply with Policy Two will not automatically be rejected, they may be less likely to comply with the law relating to representations resulting in them ultimately being rejected or given little or no weight.

4.15 Ordinarily where representations are received the Authority will hold a hearing, however, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, or will certainly not influence the Authority's determination of the matter. It is for the licensing Authority to determine whether a representation falls within these categories, however, representations which comply with Policy Two are unlikely to do so.

4.16 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.

#### **Irrelevant considerations**

4.17 Whilst not intended to provide an exhaustive list the following matters cannot be taken into account and representations relating to them are likely to be discounted:

- Need and demand for the relevant premises
- Issues relating to nuisance

- Traffic congestion and parking
- Likelihood of the premises receiving planning permission, or building regulation approval
- Moral objections

4.18 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application. The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

### **Reviews**

- 4.19 A premises licence may be reviewed by the licensing Authority of its own volition or following the receipt of an application for a review from a responsible Authority or interested party. Reviews cannot be delegated to an officer of the licensing Authority – the lowest level of delegation permitted is to a licensing subcommittee (licensing panel).
- 4.20 The Act provides that licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Council or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted.
- 4.21 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews, and that may include a 'filter' system to prevent unwarranted reviews from being conducted.
- 4.22 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises, which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 4.23 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement and Codes of Practice local area profile and the premises licence holders local risk assessments.

## **5. Licensing Objectives**

### **Preventing gambling from being a source of Crime and Disorder**

- 5.1 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.

- 5.2 The Authority places considerable importance on the prevention of crime and disorder and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high standard of control is therefore expected to be exercised over licensed premises. The Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Authority will bring those concerns to the attention of the Commission.
- 5.3 The Authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder. In considering licence applications, the Authority will particularly take into account the following:
- The design and layout of the premises.
  - The training given to staff in crime prevention measures appropriate to those premises.
  - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed.
  - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks.
  - The likelihood of any violence, public order or policing problem if the licence is granted.
- 5.4 Where an application is received in relation to premises in an area noted for particular problems with crime, part of this determination will include consultation with the police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime. In respect of betting offices the Authority will make door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.
- 5.5 As far as disorder is concerned, there are already powers in existing anti-social behaviour and other legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 5.6 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if police assistance were required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it, whether those people live sufficiently close to be affected or have business interests that might be affected.
- 5.7 The Authority will consult with the police and other relevant authorities when making decisions in this regard and will give due weight to any comments made by the police or other relevant authorities.

### **Policy Three**

- 5.8 **The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications**

**Reason: Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent, crime and disorder in their area**

#### **Ensuring gambling is conducted in a Fair and Open Way**

- 5.9 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence).

- 5.10 Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by:

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry.
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted.
- the rules are fair.
- advertising is not misleading.
- the results of events and competitions on which commercial gambling takes place are made public; and
- machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

- 5.11 Because betting track operators do not need an operating licence from the Commission, the Authority may, in certain circumstances attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the authority may take into consideration are set out below:

- References to adduce good character
- Criminal record of the applicant
- Previous experience of operating a track betting licence
- Any other relevant information

#### **Protection of children and other vulnerable persons**

##### **Access to licensed premises**

- 5.12 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

The Authority will consult with the Nottinghamshire Safeguarding Children Partnership and the Nottinghamshire Safeguarding Adults Board on any application that indicates

there may be concerns over access for children or vulnerable persons. Please see link [About \(nottinghamshire.gov.uk\)](http://www.nottinghamshire.gov.uk)

- 5.13 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:
- Supervision of entrances.
  - Segregation of gambling areas from areas frequented by children.
  - Supervision of gaming machines in non-adult gambling specific premises.
  - Measures/training covering how staff would deal with unsupervised young children being on the premises; and
  - Appropriate measures/training for staff as regards suspected truant school children on the premises.
- 5.14 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the Police to ensure the appropriate enforcement of the law in these types of premises.

### **Vulnerable persons**

- 5.15 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:
- People who gamble more than they want to.
  - People who gamble beyond their means; and
  - People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

The Authority will follow this guidance when considering whether, in relation to particular premises, any special considerations apply in relation to the protection of vulnerable persons.

- 5.16 The Authority encourages applicants to offer controls that limit access by customers to gambling or further access to alcohol where the customer shows signs of inebriation.
- 5.17 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example.
- Residential areas
  - Schools and other educational establishments
  - Residential hostels for vulnerable adults
  - Premises licensed for alcohol or gambling

## **6. Premises Licences**

### **General Principles**

- 6.1 In the Act, “premises” is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different



premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licence, where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed.

In relation to an application to split existing licensed premises thereby creating multiple premises, the Authority will expect the primary use of each premise to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

- 6.2 The procedure for obtaining Premises Licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application. Additional conditions can only be imposed when there is evidence.
- 6.3 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. With the exception of applicants for track premises anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.
- 6.4 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.

### **Betting Premises and Tracks**

- 6.5 Betting premises relates to those premises operating off-course betting. That is other than at a track.
- 6.6 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises although they would normally only open on event days. There may be several licensed premises at any track.
- 6.7 Permitted activities include:
  - off-course betting.
  - on-course betting for tracks.
  - betting by way of betting machines, and.
  - gaming machines as stipulated by regulations.
- 6.8 Factors for consideration when determining the application will be:
  - location, particularly in relation to vulnerable persons.
  - suitability of the premises.
  - size of premises in relation to the number of betting machines.

- the ability of staff to monitor the use or abuse of such machines and.
- the provision for licence holders to ensure appropriate age limits are adhered to.

- 6.9 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.
- 6.10 In addition to the mandatory and default conditions attached by the Secretary of State by regulations from time to time, conditions may also be applied in support of the licensing objectives. Additional conditions can only be imposed when there is evidence.
- 6.11 The Authority shall require an appropriately defined plan of the premises to accompany each application.

### **B2 & B3 Machines**

- 6.12 In respect to nationally expressed concerns that exist in relation to the potential adverse impact of B2 (often called Fixed Odds Betting Terminals or FOBTs) and B3 machines may have on vulnerable groups of adults, The Licensing Authority will give due consideration to the need to apply conditions to betting shop premises licences including, but not limited to, setting out minimum staffing levels to ensure sufficient staff are on the premises to ensure the promotion of responsible gambling; to adequately protect players particularly those who are deemed to be vulnerable and to prevent under 18 year olds accessing gambling facilities.
- 6.13 The Licensing Authority expects B2 & B3 machines to be positioned in such a way that they can be appropriately monitored by staff particularly where those staff are positioned at a counter away from the machines. In general, the Authority is of the view that 'privacy screens' will hamper this and will expect the local area risk assessment to take this into account where applicants intend to construct such screens. Particular attention should be paid to the Gambling Commission's Social Responsibility Codes in this regard. [\(LCCP 9.1.1\)](#) Where an existing licensee adds 'privacy screens' a variation application will be required. The minimum stakes on a FOBT is £2.
- 6.14 In relation to the licensing of tracks the Authority may require certain conditions to be imposed in support of the licensing objections and in particular, to ensure that the environment in which the betting takes place is suitable, especially in circumstances where the track operator does not have an operating licence. Mandatory or default conditions may be attached by regulations issued by the Secretary of State.

### **Adult Gaming Centres (AGCs)**

- 6.15 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.
- 6.16 Permitted activities include:
- the provision of gaming machines as stipulated by regulations
- 6.17 Factors for consideration when determining the application for an AGC will include:
- the location.
  - the ability of operators to minimise illegal access by under 18's to the premises.
- 6.18 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

6.19 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory or default conditions may be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

### **Club Gaming Permits and Club Machine Permits**

6.20 Club gaming permits authorise qualifying clubs to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations.

6.21 Club machine permits allow the provision of higher category gaming machines.

6.22 Commercial clubs may in some circumstances operate with club machine permits but not club gaming permits.

6.23 The Authority may only refuse an application on the following grounds:

- (a) the applicant does not fulfill the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied.
- (b) the applicant's premises are used wholly or mainly by children and/or young persons.
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities.
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police; and in the case of (a) or (b) must refuse the permit.

6.24 The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

### **Alcohol Licensed Premises**

6.25 The Act provides an automatic entitlement to provide two gaming machines of category C or D. The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.

6.26 The Authority may also issue "licensed premises gaming machine permits" to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.

6.27 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:

- location, particularly in relation to vulnerable persons.
- suitability of the premises, size of premises in relation to the number of betting machines.
- the ability of staff to monitor the use or abuse of such machines, and.
- the provision for licence holders to ensure appropriate age limits are adhered to.

- To enable the Licensing Authority to come to an appropriate decision, applicants are expected to submit a plan to show the proposed positioning of machines with their application.

6.28 This is not an exhaustive list and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

6.29 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D), that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions; the relevant codes of practice are available on the [Gambling Commissions website](#)

### **Family Entertainment Centres**

6.30 There are two classes of Family Entertainment Centres (FECs) dependent upon the type of gaming machines provided on the premises:

- FECs with category C and D machines require a Premises Licence.
- Unlicensed FECs provide only category D machines and are regulated through FEC gaming machine permits.

6.31 In determining the suitability of the location, consideration will be given to the following factors:

- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts).
- Proximity to residential areas where there may be a high concentration of families with children.
- Town Centre or edge of Town Centre locations.
- hours of operation. and
- proposed operational management to regulate entry by children and vulnerable persons.

6.32 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

6.33 An applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

### **Prize Gaming Permits**

6.34 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming - the prize is determined by the operator before play commences.

6.35 Consideration will be given to the following factors:

- Proximity of premises to schools and vulnerable adult centres (e.g. a centre for gambling addicts).
- Proximity to residential areas where there may be a high concentration of families with children; and
- Town Centre or edge of Town Centre locations.

6.36 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.

- 6.37 The applicant must be 18 years of age or over. Relevant convictions will be taken into account especially with respect to child protection issues

### **Travelling Fairs**

- 6.38 Provided a travelling fair allows only category D gaming machines to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission website.

### **Small Society Lotteries**

- 6.39 Small Society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 6.40 Small society lotteries are required to be registered with the local Authority in the area where their principal office is located.

### **Temporary Use Notices**

- 6.41 Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. In order to do so, the operator must serve a temporary use notice (or notices) on the Authority, the Commission and the Police. These are the only bodies who may object to such a notice. There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).

### **Occasional Use Notices**

- 6.42 Betting on unlicensed tracks may be authorised for up to 8 days in a calendar year by the service of occasional use notices by the occupier of the track or the person responsible for the administration of the event. The Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a Notice in respect of premises can be dealt with under the definition of a “Track”. It will also need to consider whether the Applicant is permitted to avail him/herself of the notice, however, there is no provision for objections to be made to this type of activity or for it to be prohibited.

### **No Casino Resolution**

- 6.43 The Authority has **not** passed a “no Casino resolution” under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this Policy Statement with details of that resolution.

## **Bingo**

- 6.44 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo then this may be authorised by way of a permit.
- 6.45 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Authority will expect to see that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance.
  - only adults (over 18s) are admitted to the area where the machines are located.
  - access to the area where the machines are located is supervised.
  - where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
  - at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 6.46 The Gambling Commission has issued guidance about the need for licensing authorities take into account the suitability and layout of bingo premises. Therefore, plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 6.47 A limited number of gaming machines may also be made available at bingo licensed premises.
- 6.48 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will be require a bingo operating licence which will have to be obtained from the Gambling Commission.

## **Provisional Statements**

- 6.49 Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.

## **7. Inspection and Enforcement**

### **General Statement**

- 7.1 The Authority will have regard to its General / Corporate Enforcement Policy, the relevant provisions of the Act, any relevant guidance and / or codes of practice when considering taking enforcement action.
- 7.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies.

## Inspections

- 7.3 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk-based inspection programme.
- 7.4 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.
- 7.5 In addition to programmed inspections the licensing Authority will also investigate any evidence-based complaints that it receives.

## Policy Four

- 7.6 **The Authority will adopt a risk-based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:**
- **location of the premises and their impact on the surrounding area,**
  - **enforcement history of the premises,**
  - **nature of the licensed or permitted operation,**
  - **potential to have an adverse effect on the licensing objectives, and.**
  - **management record.**

**Reason: To provide a targeted and cost-efficient enforcement service which will encourage and improve operating practice, promote the licensing objectives, and drive out poor practices; whilst at the same time meet accepted best practice principles of compliance inspection.**

## Enforcement

- 7.7 In general the Gambling Commission will take the lead on the investigation and where appropriate, the prosecution of illegal gambling. There may be occasions on which the licensing Authority is better placed to take the lead, particularly where there is illegal activity on a smaller scale confined to the Authority's area.
- 7.8 Where a licensed premise is situated in more than one administrative area then this Authority will liaise with the other Authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 7.9 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these functions the licensing Authority will endeavour to follow the Regulators code and Hampton principles. The principles require that enforcement should be:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised.
  - **Accountable:** regulators must be able to justify decisions and be subject to public scrutiny.
  - **Consistent:** rules and standards must be joined up and implemented fairly.
  - **Transparent:** regulators should be open, and keep regulations simple and user friendly; and

- **Targeted:** regulation should be focused on the problem, and minimise side effects
- 7.10 The licensing Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 7.11 The main enforcement and compliance role for the licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for Operator and Personal Licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing Authority but will be notified to the Gambling Commission.
- 7.12 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act.
- 7.13 The Authority will avoid duplication with other regulatory regimes.



## 8. Glossary of terms

Many of the terms used in this statement of licensing policy are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.

In the interests of clarity the following terms, which are used in this statement of licensing policy, are defined below.

<b>Terminology</b>	<b>Definition</b>
“the Act”	The Gambling Act 2005 (c19)
“Authority”	This refers to the “licensing Authority” as defined by section 2 of the Act
“authorised person”	An officer of a licensing Authority, <b>and</b> an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area
“authorised local Authority officer”	An officer of a licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area
“gambling commission”	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain
“guidance”	“Guidance to licensing authorities”, , issued by the gambling commission under section 25 of the Gambling Act 2005
“interested parties”	Defined at paragraph 2.3 of this statement of licensing principles
“mandatory condition”	A condition that must be placed on a licence by virtue of regulations
“regulations”	Refers to regulations made under the Gambling Act 2005
“responsible authorities”	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.

## **9. Appendix One – List of bodies and organisations consulted**

Association of British Bookmakers

British Beer and Pub Association

Gambling Commission

HM Revenue and Customs

Nottinghamshire Police

Nottinghamshire Police and Crime Commissioner

Nottinghamshire Fire and Rescue

Nottinghamshire Safeguarding Children Partnership.

Nottinghamshire Safeguarding Adults Board

Rushcliffe Borough Councillors

Rushcliffe Borough Council Environmental Health Service

Rushcliffe Borough Council Development Control

Representatives of the various licences and permits for premises within the area who will be affected by this policy including premises licensed under the Gambling Act 2005 and Licensing Act 2003.

Bingo Association

Public Health England

Gambler Anonymous

Gamble Aware

James Naish MP

Robert Jenrick MP

Police and Crime Commissioner

RBC Councillors

Local Councils

Nottingham City Council

Gedling Borough Council

Broxtowe Borough Council

Newark and Sherwood District Council

Ashfield District Council

Mansfield District Council

Bassetlaw District Council

Social Services (Nottinghamshire)

## Appendix 2

### Amendments to the Gambling Policy for 2024: Summary

The policy has been discussed by Licencing Officers and other attendees to the NALG. The wording has been drafted to enable a consistent regional view of policy.

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes in spacing	Some page numbers may have changed
1.5	Commencement date updated	
2.1	Approval date	Requires insertion once determined
2.2	Area profile updated	
3.1	Date changed to 1/4/2024	
3.9	Link inserted at end of para	
4.14	Insertion of text and email to make representation	(Email: <a href="mailto:licensing@rushcliffe.gov.uk">licensing@rushcliffe.gov.uk</a> ). inserted
6.13	At end of para "but there are no statistics available to support that the FOBT play has reduced."	Removed as not necessary
Appendix one	Updated list of consultees.	This was updated following consultation ending.

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Appendix 3

Number	Consultation Response	Officer Comment
1	<p>In view of the evidence of harm to our society and its association with other damaging behaviours, both to individuals and society, we should not permit ANY additional gambling without our district. Gambling is solely permitted for the personal gain of a few people at the expense of so many others. It is so harmful in so many ways. Let's work to make our society better, step by step, NOT worse</p>	Noted
2	<p>Gambling sponsorship should be completely banned. Online gambling should be completely banned. Betting shops should be few and far between.</p>	Outside the scope of a local authority Gambling Policy
3	<p><b><u>Consultation on the review and update of the Rushcliffe Borough Council Gambling Policy (Statement of Licensing Principles)</u></b></p> <p>We would like to thank the Council for the opportunity to review this document. As was stated in Labour’s 2024 general election manifesto, the government is “committed to reducing gambling-related harm” and it is important that national and central government work together to this end.</p> <p>This consultation is an integral part of regularly reviewing Rushcliffe Borough Council’s role as a statutory Licensing Authority, and we hope that the consultation process will ultimately strengthen delivery of the policy’s proposed aims.</p> <p>**</p> <p><b>2:10</b></p> <p>It is noted that in this section at present, there is no reference to information exchange with third parties such as a constable or police force, an enforcement officer, another licensing authority or His Majesty’s Commissioners of Customs and Excise. Other authorities have clarified that information exchange may take place with the</p>	<p>2:10</p> <p>We have no objection to the insertion of this comment in 2:10 if this aids clarity in legally sharing information with “ a constable or police force, an enforcement officer, another licensing authority or His Majesty’s Commissioners of Customs and Excise”. But this comment repeats what is stated in legislation which officers are</p>

**Appendix 3**

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<p>third parties listed at the start of Schedule 6. For example, by using the phrase:</p> <p><i>“The Gambling Act also allows the exchange of information with persons or bodies for them to exercise their functions under the Act which are listed in Schedule 6 (1)”.</i></p> <p>We suggest that the Council considers updating its policy to reflect broader sharing of data to support the implementation of the Gambling Act 2005.</p> <p>**</p> <p><b>2:11</b></p> <p>Promoting equality and diversity across the borough is important. It is noted in this policy, and this is welcomed.</p> <p>However, other authorities’ policies go further and provide a more rounded statement which, on the surface, strengthens its commitment to these principles. For example:</p> <p><i>“Broxtowe Borough Council is committed to promoting equal opportunities, valuing diversity and tackling social exclusion. The Council will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Council will aim to eradicate all forms of discrimination.”</i></p> <p>We suggest that the Council considers updating its wording in the policy to demonstrate how it is truly <i>“ensuring that diversity issues are at the heart of our policy making and our service delivery”</i>, as</p>	<p>aware of and would follow.</p> <p>2:11</p> <p>An equality impact assessment has been undertaken. Also the council published separate statements at <a href="#"><u>Equalities Scheme 2021-25 - Rushcliffe Borough Council</u></a> and <a href="#"><u>Equality and Diversity - Rushcliffe Borough Council</u></a> on our website and as such no specific further comment is required within the Gambling Policy. Officers have no objection if however the committee sees appropriate to insert.</p>
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Appendix 3

<p>stated.</p> <p>We also note that the text in the current policy refers to a <u>Corporate Equality Scheme</u>. This is not the same term as <u>Equalities Scheme</u> which is used on the current Council website. We suggest that the text is updated accordingly.</p> <p>**</p> <p><b>5:12</b></p> <p>To fulfil the licensing objective of <i>“Protecting children and other vulnerable persons from being harmed or exploited by gambling”</i>, we believe it is important that children are protected from targeted advertising. The below may, therefore, be a helpful addition to the “Protection of children and other vulnerable persons” section of the policy (p.19 onwards):</p> <p><i>“The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.”</i></p> <p>**</p> <p><b>5.13</b></p> <p>Building on the above, to further protect children and other vulnerable persons from gambling, section 5.13 could be expanded to include further examples of safeguards. For example:</p> <p>CCTV          Clear notices / signage          Clear policies that outline the steps to be taken to protect children</p>	<p>5:12</p> <p>The policy relates to premises regulated by this authority and not online gambling so can only relate to advertising in the place licenced. The current policy is clear that gambling is adult only and gambling should not be aimed at children and this is clear in guidance, however officers have no objection to the inclusion of this statement for clarity if required. see <u>Young people in marketing material (gamblingcommission.gov.uk) which we will have regard to.</u></p> <p>5:13</p> <p>The current list is of few examples, the list is not intended to be exhaustive to do so would limit measures. If the committee feels further examples are needed to be added this can be done. But superfluously adding more will just increase the policy with little purpose.</p>
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Appendix 3

	<p>from harm Proof of age schemes Provision of information leaflets / helpline numbers for organisations such as GamCare Self-barring schemes Specified / restricted opening hours</p> <p>**</p> <p>Thank you for the opportunity to contribute to this consultation. We hope that these contributions help to strengthen the document and, as a result, help to fulfil the core objectives outlined as part of the Gambling Act 2005:</p> <p><i>“Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime; Ensuring that gambling is conducted in a fair and open way; and Protecting children and other vulnerable persons from being harmed or exploited by gambling.”</i></p>	



## EQUALITY IMPACT ASSESSMENT FORM

Review of the Gambling Act 2005, Statement of Licensing Principles 2025 - 2028.

The proposed Policy is required by legislation with the aims of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime. Ensuring that gambling is conducted in a fair and open way; and protecting children and other vulnerable persons from being harmed or exploited by gambling

The policy has been revised as required by legislation.

Information used to analyse the effects of equality:

The policy has been subject to public consultation and with members. The consultation took place from August 24 to September 24.

**There was no comment on equality impacts.**

page 47	Could particularly benefit (X)	May adversely impact (X)	How different groups could be affected: Summary of impacts	Details of actions to reduce negative or increase positive impact (or why action not possible)
People from different ethnic groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	There is no requirements or restrictions in the policy.	
Disabled people or carers	n/a	n/a	There is no requirements or restrictions in the policy.	
People from different faith groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Lesbian, gay or bisexual (LGBTQ+)	n/a	n/a	There is no requirements or restrictions in the policy.	
Older or younger people	yes	n/a	The policy legally restricts access to young people. Those looking younger	The policy has numerous actions to protect those that are

			may need to provide proof of age and may be prohibited from access to gambling if not able to prove age.	considered vulnerable. No further action needed
Other (marriage/civil partnership. Looked after children, cohesion/good relations, vulnerable children/adults)	yes		The policy aims to ensure those that are vulnerable to gambling harm are protected and measures put in place to reduce or protect them from further harm	The policy has numerous actions to protect those that are considered vulnerable. No further action needed

**OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:** *(delete as appropriate)*

No major change need    ~~Adjust policy/proposal/project~~    ~~Adverse impact but continue~~    ~~Stop/remove project/policy/proposal~~

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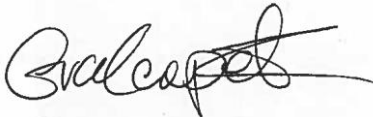
**Arrangements for future monitoring of equality impact of this policy/proposal/project:**  
*This is a three-year policy and will be reviewed again on renewal*

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**Names of officers who conducted EIA and date**

M Hickey 11/6/24  
D Roberts 11/6/24

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**Approved by:**   
*(manager signature)*

**Date: 11 June 2024**



## Licensing Committee

Monday, 14 October 2024

### Street Trading Policy 2025-2030

#### Report of the Director – Neighbourhoods

##### 1. Purpose of report

- 1.1. In 2019 the Council approved the adoption of a new Street Trading Policy across the Borough. This Policy expires in January 2025 and is now due for review.
- 1.2. Should the Licensing Committee approve the draft Policy, members are requested to recommend adoption of the Policy to Council.
- 1.3. The report also seeks to advise the Committee of the responses to the consultation on the Policy.

##### 2. Recommendation

It is RECOMMENDED that the Licensing Committee:

- a) endorses the draft Street Trading Policy; and
- b) recommends adoption of the Street Trading Policy to Council.

##### 3. Reasons for Recommendation

The Street Trading Policy provides the Council with greater control of street trading within the Borough.

##### 4. Supporting Information

- 4.1. In accordance with the Local Government (Miscellaneous Provisions Act) 1982, all of the streets in the Borough are proposed to be designated as either “Consent Streets” or “Prohibited Streets”. This will effectively mean that no trading (unless exempted) may take place without the Council having first issued the appropriate Trading Consent to the trader, on prohibited streets no street trading can take place.
- 4.2. The revised draft Street Trading Policy was put out to public consultation on 21 July 2024, seeking comments by 6 September 2024. A total of two consultation comments were received and a summary is provided in Appendix B.

##### 5. Alternative options considered and reasons for rejection

No alternatives considered.

## **6. Risks and Uncertainties**

Prior to the adoption of the Street Trading Policy 2020-2025, in 2019 by Full Council, Street Trading was confined to the area around the Nottingham Forest Football Club, at the City Ground, with traders outside of this area being unregulated and able to trade wherever they pleased. It was identified that a number of roadside traders had taken advantage of this as they fell out of scope for enforcement. After adoption of the Policy traders were brought into the regulatory umbrella. If the Policy is not again adopted by Council this will give an open door to traders to roam at will across the Borough without enforcement of food standards, trading location and protection of vulnerable sectors of the public.

## **7. Implications**

### **7.1. Financial Implications**

Fees for Street Trading Consents are reviewed on an annual basis and are set on a cost recovery basis. Where a prosecution is undertaken costs would be reclaimed from the defendant where the prosecution is successful.

### **7.2 Legal Implications**

The Council has powers under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') to regulate street trading through the designation of streets in its area under one of three statutory designations. Through the designation of streets for trading, the Council is able to authorise trading on those streets in accordance with the Policy and is able to regulate unauthorised trading.

### **7.3 Equalities Implications**

An Equalities Impact Assessment has been undertaken, which identified no major or adverse impacts.

### **7.4 Section 17 of the Crime and Disorder Act 1998 Implications**

This policy seeks to extend greater protections to children and vulnerable adults across the Borough.

### **7.5 Biodiversity Net Gain Implications**

There were no implications arising from this report.

## 8. Link to Corporate Priorities

The Environment	Ensuring traders use best practice to minimise their impact on the environment.
Quality of Life	Ensuring that appropriate controls are in place to manage street trading across the Borough. Benefits to the community would include safer food and environmental standards all of which will significantly impact on our residents.
Efficient Services	None
Sustainable Growth	None

## 9. Recommendation

It is RECOMMENDED that the Licensing Committee:

- a) endorses the draft Street Trading Policy; and
- b) recommends adoption of the Street Trading Policy to Council.

<b>For more information contact:</b>	Geoff Carpenter Head of Public Protection Tel: 0115 9148229 gcarpenter@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	None
<b>List of appendices:</b>	Appendix A – Street Trading Policy 2025-2030 Appendix B – List of changes following consultation Appendix C – Summary of consultation responses Appendix D – Equality Impact Assessment

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Rushcliffe  
Borough Council

## Neighbourhood Services Street Trading Policy

2025-2030

Category	Reference
Officer(s)	Mr David Roberts, Senior Licensing and Enforcement Officer Mr Martin Hickey, Principal Officer
Department	Neighbourhoods, Licensing
Address	Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG
Telephone	0115 981 9911
E-mail	<a href="mailto:licensing@rushcliffe.gov.uk">licensing@rushcliffe.gov.uk</a>
Report Reference number	STC 2024v1
Date	Drafted July 2024 Published date TBA



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## Introduction

### Purpose

The aim of the Council's Street Trading policy is to create an environment which compliments premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

This policy has been developed to ensure that street trading consents are granted in accordance with the policy and to assist persons applying for street trading consents in Rushcliffe.

### Definitions of terms used in this policy

Within the terms of the Rushcliffe Borough Council's Street Trading consent Scheme the following definitions apply:

<i>The Council</i>	Means Rushcliffe Borough Council
<i>Street Trading</i>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street, Local Government (Miscellaneous Provisions Act) 1982
<i>Street</i>	Includes: (a) any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<i>consent Street</i>	Means a street in which street trading is prohibited without the consent of Rushcliffe Borough Council.
<i>consent</i>	Means a consent to trade on a street by Rushcliffe Borough Council.
<i>consent holder</i>	Means the person or company to whom the consent to trade has been granted by Rushcliffe Borough Council.
<i>Static Street Trader</i>	Means a trader granted permission by Rushcliffe Borough Council to trade from a specified position.
<i>Mobile Trader</i>	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
<i>Authorised Officer</i>	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## *A Pedlar*

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.

## **What is street trading**

Street trading means the selling, exposing or offering articles for sale on roads, pavements and other areas to which the public have unrestricted access without payment. The law applies equally to public and private land.

A "Street" is defined as any road, footway, beach or other area to which the public have access without payment (this includes private land), and a service area as defined in Section 329 of the Highways Act 1980.

The Council has determined under the [Local Government \(Miscellaneous Provisions Act\) 1982](#) that all of the streets in the Borough are designated as "consent Streets" or "prohibited streets", which in effect means that no trading (**unless exempted**) may take place without the Council having first issued the appropriate Trading Consent to the trader and on prohibited streets no street trading can take place.

## **Exempted Street Trading Activities**

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Anything done in a market or fair, the right to hold which, was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a news vendor.
5. Trading which:
  - a. is carried on at premises used as a petrol filling station; or
  - b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
6. Selling things, or offering or exposing them for sale, as a roundsman.
7. 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.
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point 6 above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls because they are not roundsmen.

### **Markets/ Markets Charters**

Markets (including Temporary Markets) and Special Events **operated and promoted by Rushcliffe Borough Council** held in the Borough fall outside of the scope of the Street Trading Policy.

A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event.

Rushcliffe has no rights to hold a market under a charter.

However, within Rushcliffe, Bingham was granted a Market Charter in 1314 and a market was held here until the end of the 19th century. The market was revived in 1975 and the bustling Thursday market is an attractive feature of Bingham today. The large open Market Place lies at the heart of the Conservation Area, and its octagonal Butter Cross is a distinctive focal point. Other markets held in Rushcliffe are listed at [Markets and Fairs](#).

Nottingham City Council is the owner of Market Rights granted by Royal Charter and also under the 1984 Food Act. Any person or organisation wishing to operate a rival market within 6 $\frac{2}{3}$  miles of one of the council's markets may only do so with the Council's agreement. A licence can be issued which will waive the council's right to take legal action for that event. See <http://www.nottinghamcity.gov.uk>

The Council can seek legal protection from any violation of those rights, i.e. any rival markets. This protection extends to 6 $\frac{2}{3}$  miles from any City Council run market including the Sunday Colwick car boot sale, and so extends beyond the Council's local government boundary.

The licence only relates to the Council's market rights. The organiser must obtain any other consents and permissions needed, whether statutory or private.

Similarly, East Leake, and surrounding villages, falls under the market charter restrictions from within the Loughborough area.

See [Charnwood Borough Council - rival markets](#)

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from Rushcliffe Borough Council.

### **Other Street Trading consents for which fees are not payable**

The following Street Trading activities do not require the payment of fees to the Council, however, a standard administration charge may still be payable, please refer to the fees and charges section:

1. Non-Commercial (community) Car Boot Sales.
2. Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

## **One-Off and Community Based Events**

One-off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature then it would be caught by the policy and an application required. A letter of intent/confirmation from the community organisers would usually be required. It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event.

## **Car Boot Sales**

Where the events are of a commercial nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

## **Farmers Markets**

Where the events are commercial in nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

## **Paying for access**

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent.

## **Trading on private land**

In order to trade on private land (including car parks) within Rushcliffe Borough Council, you will also be required to produce written permission from the landowner before the Council can consider the site suitable for trading.

Applicants should note that planning permission may be required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and are liable to planning enforcement action if no planning permission is granted.

Each case will be considered on its own merits with a copy of the full planning decision required for the Council to make a decision.

## **Application & Procedure for determining Street Trading Consent**

### **Application process**

The application process for new, renewals or transfers is by application and must be accompanied with the [correct fee](#). The procedure set out in the following flowchart will be followed. For renewal or transfer certain aspects of the process may not be required as set out in the notes to the flow chart below. The applications forms are available at [Street trading pages and application form](#).

## Submission of application

An application for a street trading consent must be made to Rushcliffe Borough Council in writing or submitted online. The application forms are available online at [Licensing - Street Trading](#)

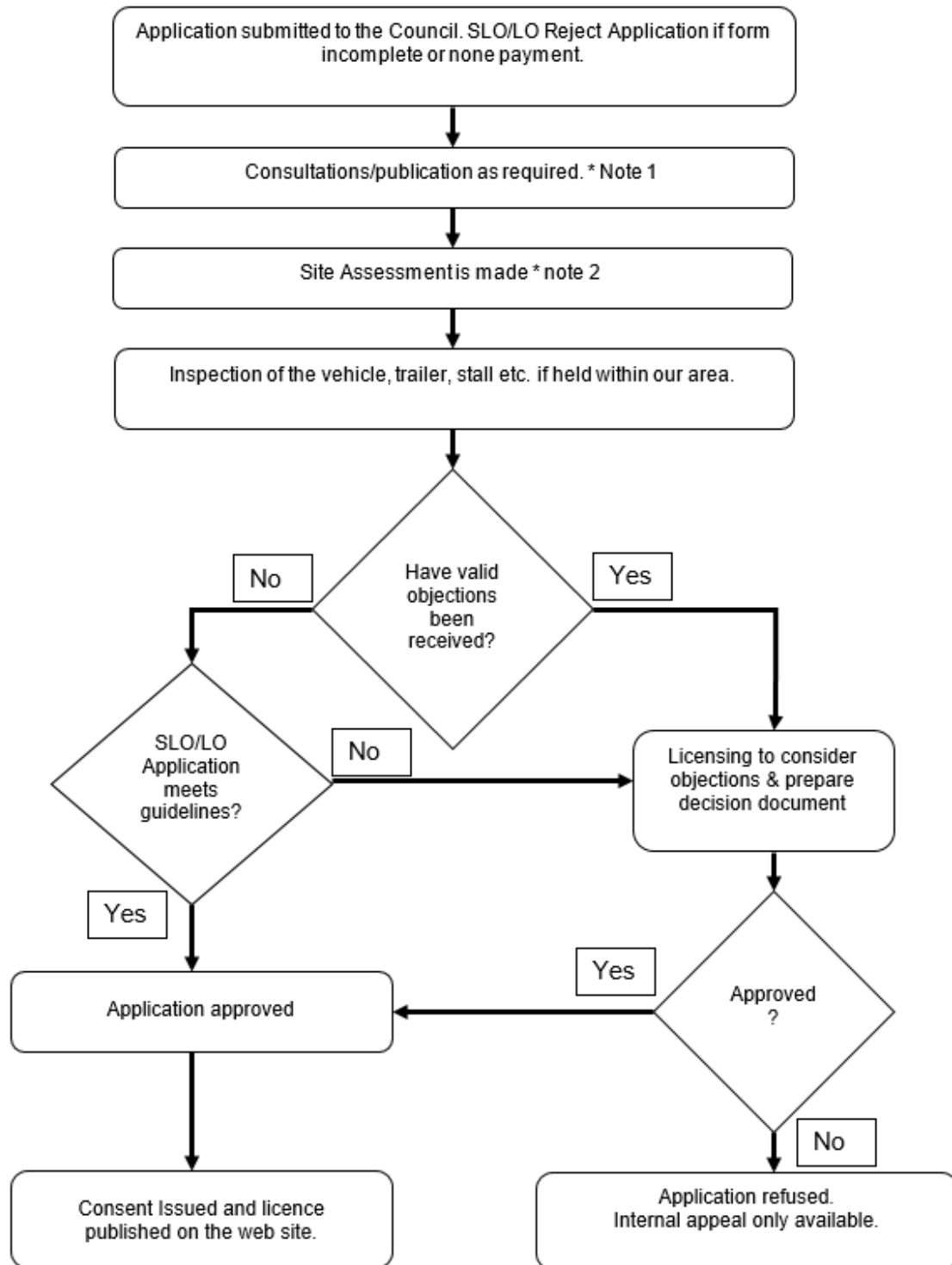
Applicants will need to submit the following documents and fees with the application:

1. A completed and signed street trading consent application form.
2. Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the application).
3. Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.
4. A Payment of the annual fee with the application. The fee will be refunded if the application is withdrawn or refused less the admin charges. Fees for trading periods of less than 15 days will require submission of the full fee with the application.
5. Where the proposed street trading activity is from a fixed position, 1 copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line.
6. Four different colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity (Showing All sides).
7. An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
8. Written permission from a landowner if the street trading activity is to be carried out on private land or from any road /layby within the borough (VIA Nottinghamshire County Council)
9. Block consent applications will require colour photographs of the area the consent is being applied for.
10. Mobile catering vehicles and Ice cream vans will require a valid MOT certificate.
11. For Ice cream traders a basic criminal background check (DBS) on the applicant/vendor will be required. The check will not be accepted if it is submitted later than 12 months from the date of issue of the check.
12. Block consent applications will require proof that all food traders are registered with a Local Authority.
13. Written permission for toilet provisions for the street trader and all staff to use may be required.
14. For trade waste, original proof of a contract set up with a trade waste collection contractor.

Where available all application will be by online application. If not available applications should be made in person or by post to the Council at:

**Rushcliffe Customer Service Centre, see [Find and Contact Us - Rushcliffe Borough Council](#).** An appointment is necessary if visiting the office for advice or assistance.

## Flow chart for application process



Note 1 Renewals consultation not required

Note 2 For Transfers site assessment may not be required

## **Notes on application process**

To apply for a renewal application for a street trading consent the applicant will need to submit relevant application and supporting paperwork at least 8 weeks before the expiry of the current street trading consent. Data is subject to Appendix E Data Protection Privacy Notice requirement subject to legal exemptions.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place; failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Should a consent holder wish to transfer a current street trading consent into another person's name, then a transfer form will need to be completed with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and it will require a fee to be paid.

Please note, should the Police object to the change of ownership then the trader may be requested to cease trading until such time the application has been determined by the Council.

In addition, should the new applicant wish to operate under different hours to those currently on the street trading consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with any or all of the "Responsible Authorities and other persons" listed on page 14.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken.

No changes to mode of operation or hours will be permitted through the transfer of consent process.

## **Refunds**

Where a consent is surrendered, the council may remit or refund, as they consider appropriate.

The application fee may be refunded if the application is withdrawn prior to being issued less any administrative charges or other costs incurred.

Where an application is refused/revoked the applicant will not be refunded any application element of the fee.

## **Types Of consent**

There are three different types of consents that can be applied for, they are Static consent, Mobile consent and Block consent.

Further details of each are provided below:-

### **Static consent**

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast-food van which trades every day from the same



lay-by. Please note, even though a static consent allows you to trade from a specific location, the unit must be moved from the trading site outside of permitted trading hours.

### **Mobile consent**

Mobile consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

### **Block consent**

Block consents are often applied for by organisers of street trading events involving more than one trader. For block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up-to-date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block consent for the market or event in question. The market or event organiser in receipt of a Block consent will become responsible for all of the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders.

A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the consent is used.

Where an application is made for the grant of a street trading consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:

**NB If you are visiting the offices please go to the Rushcliffe Customer Service Centre see [Find and Contact Us - Rushcliffe Borough Council](#).**

Telephone 01159 819911

E-mail [licensing@rushcliffe.gov.uk](mailto:licensing@rushcliffe.gov.uk)

### **Changes to trading hours**

Should the applicant wish to extend trading hours then a full application will need to be submitted and will be treated as a new application unless at the discretion of the Licensing officer the variation is considered to be minor.

When applying for additional hours, the Council will determine each application on its own individual merits. Generally, street trading will only be permitted between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

## **Surrendering of Street Trading consent**

Should an applicant no longer wish to hold a street trading consent, they will need to provide written confirmation of this fact detailing the last trading day.

Once they have ceased trading, they will be required to return their Street Trading consent plate and paper consent to the Council within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

## **Choosing a Location To Trade**

When choosing a prospective pitch/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- In close proximity to a place of worship.
- In close proximity to a place of education.
- In close proximity to a place of healthcare.
- In close proximity to a place of cultural or historical local / national significance.
- In close proximity to primarily residential properties.
- In close proximity to a business offering the same goods / services.
- Likely to undermine the safety and / or convenience of the general public and / or road users.

## **Nottingham Forest and Trent Bridge Street Trading.**

There is a higher demand for street trading in these areas during events and a number of streets are prohibited streets to protect the residents in the area and promote the objectives of the council. The prohibited streets are shown in Appendix A. Sites around these areas for street consent are therefore limited.

During other events at the City Ground or Trent Bridge the Safety Advisory Groups or the police will request street trading will not take place at certain times or during events. As such any licences issued in this area (see(<https://www.rushcliffe.gov.uk/privacy/>))

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford) **will/may not be able to trade during these periods or will have a consent which limits dates and trading times.**

## Hours

The Council will determine each application on its own merits but generally will only permit street trading between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23:00 hours and 05:00 hours the applicant will also be required to apply for a Premises Licence under the Licensing Act 2003.

## Appeals

Appeals to any decisions are to the Council within 21 days by the applicant from the date of any determination of any application or issue of refusal or revocation letter/notice.

## Disclosure and Barring Service (DBS) check

A DBS check from Disclosure England will be required for certain street trading consents considered a higher risk. Where this applies a DBS will be required with each grant or renewal application for the applicant.

**Currently only Ice Cream vendors** will require a DBS

[Request a copy of your criminal record check.](#)

The [street trading application form](#) requires a declaration to be completed by the applicant to confirm that they have not received any convictions and/or cautions or to list any they have. The applicant must also provide a list of all working assistants associated with the street trading consent, as detailed in the conditions.

When considering the relevance of convictions and cautions the Council will have regard to Appendix C Policy for determining the Relevancy of Criminal Convictions

In assessing whether an applicant is a “fit and proper” person, the Council will consider each case on its own merits.

The Council will take account of unspent convictions and cautions, but only as far as they are relevant to an application for a consent to determine if the applicant has demonstrated being a “fit and proper” person to hold a consent. Consultations on applications.

## Consultation

Before a Street Trading consent is granted, renewed or transferred the Council will carry out a consultation process of up to 21 days with various Responsible Authorities and others listed below. Wording for the notice will be supplied by the Council to the applicant to display on a notice.

**Applicants must produce and affix the notice of the application in the immediate vicinity of the proposed trading site upon submission of the application.** This must remain in place until the application consultation has ended.

Written observations from “Responsible Authorities” and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a notice of the application in the immediate vicinity of the site of the proposed event. Consultation on such application by the Council will only be by way of e-mail to the Responsible Authorities. No consultation will be undertaken by the Council with the general public.

### **New applications process**

In particular, we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Local Residents (with properties within 100 meters of the proposed trading site)
3. Nottinghamshire Police (for Crime and Disorder issues)
4. Nottinghamshire Fire and Rescue Service
5. Rushcliffe Borough Council Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
6. Nottinghamshire County Council Highways Department (VIA)
7. National Highways If within a motorway junction
8. Rushcliffe Borough Council Environmental Health
9. Rushcliffe Borough Council Property Services
10. The landowner (If the proposed street trading site is on private land)
11. Streetwise Team
12. Nottinghamshire County Council Public Health Team
13. Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation

### **Renewal applications process**

In particular we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Nottinghamshire Police (for Crime and Disorder issues)
3. Nottinghamshire Fire and Rescue Service
4. Rushcliffe Borough Council Planning department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
5. Nottinghamshire County Council Highways department (VIA)
6. National Highways

7. Rushcliffe Borough Council Environmental Health
8. Rushcliffe Borough Council Property Services
9. The landowner if the proposed street trading site is on private land
10. Streetwise Team
11. Nottinghamshire County Council Public Health Team

Renewal applications will be placed online for public consultation.

### **Transfer applications process**

This Council will consult with:

1. Nottinghamshire Police (for Crime and Disorder issues) only

### **Site Assessment**

Street Trading consents from static locations will not normally be granted where:

1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The site does not allow the consent holder, staff and customers to park in a safe manner, or
9. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

### **Inspection of the Street-Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

1. Environmental Protection Act 1990
2. Equality Act 2010
3. Food Information Regulations 2014

4. Food Premises (Registration) Regulations 1991
5. Food Safety Act 1990 and Associated Regulations
6. Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004"
7. Health Act 2006
8. Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
9. Licensing Act 2003

There must be a waste contract in place and information of this available for inspection upon request submitted as part of any application.

Where the consent relates to the sale of food the vendor, will be required to be registered with their relevant local authority.

There current Food Hygiene Rating Scheme score **must be 3 or higher**. Where the trader is inspected and their rating falls below a 3, a period of time will be allowed for improvements and a rescore inspection to be carried out. This should not normally exceed 16 weeks.

Food safety records and any documented food safety procedures to be made available at the time of any inspection by an officer of the council of competent officer of the Food Authority.

Further advice on any of the above requirements can be obtained by:

telephoning: 0115 981 9911.

### **Objections to the application**

If objections are received against the granting of a Street Trading consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Principal Officer for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of crime and disorder problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any justified objections, within the consultation period. If no resolution is agreed, the application will be referred to the Principal Officer for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Principal Officer, and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Principal Officer and notified of the outcome.

### **Determination of the application**

The Council will use the criteria listed below in the determination of Street Trading consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

### **Where Trading Will Not Likely Be Permitted**

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) are more likely be refused for locations that are deemed to be:

- **In close proximity to a place of worship.**
- **In close proximity to a place of education.**
- **In close proximity to a place of healthcare.**
- **In close proximity to a place of cultural or historical local / national Significance.**
- **In close proximity to primarily residential properties.**
- **In close proximity to a business offering the same goods / services.**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Where the above applies the place affected will be consulted and any views expressed will be significant in determining the application.

### **Relevant Considerations Applicable To All Applications**

#### **Public Safety**

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in the Site Assessment of this policy (on page 15).

#### **Prevention of Crime and Disorder**

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Nottinghamshire Police will be taken into consideration under this heading.

#### **Avoidance of Nuisance**

The street trading activity should not present a substantial risk of nuisance from noise, smells, refuse or fumes to households and businesses in the vicinity of the proposed street trading site. Litter and food waste can be a significant cause of nuisance, defacement of the street scene and lead to public health concerns due to attracting vermin. Observations/ complaints and ongoing concerns about the suitability of a site and the recurrence of nuisance/litter from Council Officers shall be taken into consideration under this heading which may include rejecting or revoking any consent.

#### **Compliance with legal requirements**

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from Council Officers on the compliance with the requirements of Food Safety and Hygiene, Health and Safety

and Environmental Protection legislation shall be taken into consideration. The street trader will need to ensure they comply with any conditions and legal requirements to avoid the occurrence of litter as a result of the street trading which will include litter from customers.

### **Consultees Observations**

In relation to points above consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

### **Permitted Trading Hours**

The Council will determine each application on its individual merits but generally will only permit street trading between 06:00 and 23:00 on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the need to have a premises licence under the Licensing Act 2003.

### **Environmental Impacts**

#### **Use of Single Use Plastics**

The Council is committed to reduce the amount of single use plastics which are prevalent in the fast-food communities. Street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a **justified reason for the continued use**.

Failure to do so may mean that the trader will not have the street trading licence granted or renewed.

#### **Trade Waste**

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled and disposed of correctly. All Street Traders are businesses that this requirement applies to and have a legal duty to ensure that waste is stored securely pending collection and only given it to authorised waste contractors.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres which includes being taken back to private residents or disposed of in on-street litter bins.

Failure to provide adequate waste disposal upon application and trade waste arrangements are in place will not be granted a Street Trading consent.



## Approval of applications

On approving the application the Council will issue a Street Trading consent to which conditions will be attached. The consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading consents, are shown in Appendix D Street Trading Consent Conditions. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the consent being granted by the Council.

The conditions attached to the consent form part of the approval to carry out street trading in Rushcliffe. They MUST be complied with at all times and failure to do so may result in the consideration of enforcement action.

consent holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading consent and comply with the requirements.

## Issue of Street Trading consent

Street Trading consents will be issued for a maximum period of 12 months. Annual consents issued will be renewable on the date specified in the consent. Shorter term consents may be issued on a daily, weekly or monthly basis.

In all cases when a consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place.

Failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Where available online payment will be used. Payment can be made in person or over the telephone by credit or debit card or in the form of a cheque. ***The current fees and charges can be found on the licensing pages of the Council website on this [link](#).***

Street Trading consents and unit identification plates will be issued only at the Licensing Team Offices, currently at the Community Contact centre at West Bridgford. The applicant or a person representing the applicant (with written consent) must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

## Refusal of applications

The Council will consider an appeal and will provide a written decision within 21 working days from receipt of your appeal, unless further information is required in order to consider the appeal. In this situation the Council will provide a written decision within 21 working days from receipt of this information. The Council's written decision will refer to all information taken into account when considering the application and appeal information and reasons for reaching the decision. Please also see Complaints against the Service section in this policy on page 22.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision.

## **General Information on Street Trading Consents**

### **Trading Unit Identification Plates**

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the consent holder ceases to trade and surrenders his/her consent.

Block consent- The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all stalls/ units under the Block consent shall be visible to the public.

### **Persons under the age of 17 years**

The Council will refuse to grant a consent, where the consent to be granted, would be in contravention of the Children and Young Persons Act 1933. Please refer to [Nottinghamshire County Council - employing a 13-16-year-old](#).

### **Access by Council and Police Officers**

consent holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by Rushcliffe Borough Council.

If you have any doubts about a person claiming to be from Rushcliffe Borough Council ask to see their official identification card. If you remain uncertain please contact the Council on 01159 819911 and ask to speak to the Licensing department.

### **Street Trading consents Changes/Transfer**

The conditions attached to all Street Trading consents stipulate that a consent holder cannot underlet or sublet a Street Trading consent.

Should a consent holder wish to transfer a current Street Trading consent into another person's name, then a transfer form will need to be completed which will be provided upon request with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and a fee is payable.

Please note, should the Police object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by the Council.

**In addition should the new applicant wish to operate under different hours to those currently on the consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with Other Persons and the Responsible Authorities.**

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or hours will be permitted through the transfer process.

Should a consent holder wish to change their operating hours, by extending them in some way, during the course of their existing consent period they will have to apply using the normal application form clearly specifying that this is for a change of hours only.

Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to consider the matter. An application for extended hours will attract a non-refundable fee.

### **Change of Trading Unit process**

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three colour photographs of the unit showing the front side and rear of the unit that will be used for the street trading activity.

### **Policy Review**

The Council will keep the policy under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised street trading policy statement.

## **Enforcement**

### **Enforcement options**

Rushcliffe Borough Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. Due regard will be given to the Council's Enforcement Policy before any action is taken. Read the relevant information in [Rushcliffe Corporate Enforcement Policy](#) and the [Regulators Code \(Gov.uk\)](#)

Where licensable activities are conducted without the relevant permissions having been granted by the Council, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

The Licensing Officers will firstly seek to advise traders of the requirements of their Trading consent, and should it be necessary issue Warnings. Should a trader continue to fail to comply with the requirements of the Council's Street Trading Policy or the conditions applicable to his / her Street Trading or Mobile Trading consent, the traders' suitability to continue to hold the Trading consent will be reviewed by Rushcliffe Borough Council.

The options available are to:

- Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Review and (if necessary) **suspend or revoke** a Street Trading or Mobile Trading consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Take no further action, if having reviewed matters, it is deemed that the Trader is not responsible for the issues that led to the Hearing being held.

### **Pedlars and non-licenced traders**

A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills. A pedlar must hold a certificate granted by a chief constable. The certificate is valid for one year and applies throughout the United Kingdom.

To apply for a pedlar's certificate, contact your local police station. Someone who acts as a pedlar without a certificate commits an offence.

- A pedlar must not remain stationary for long periods of time.
- A pedlar must not set up a stall and wait for people to approach.

The Pedlars Act 1871 specifically precludes the now common place practice of a pedlar standing in one place for an extended period of time to sell their goods or services. The Pedlars act defines the difference between street traders and pedlars as "Street traders travel to trade, whereas a pedlar should trade as they travel."

Non licenced street traders and pedlars who illegally participate in street trading in prohibited or consent streets could face enforcement action **including summary prosecution** under the Local Government (Miscellaneous Provisions) Act 1982.

### **Complaints against the Service**

Rushcliffe Borough Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Licensing Services in relation to street trading please contact the Council on 0115 9819911 and ask to speak to the Senior Licensing Officer.

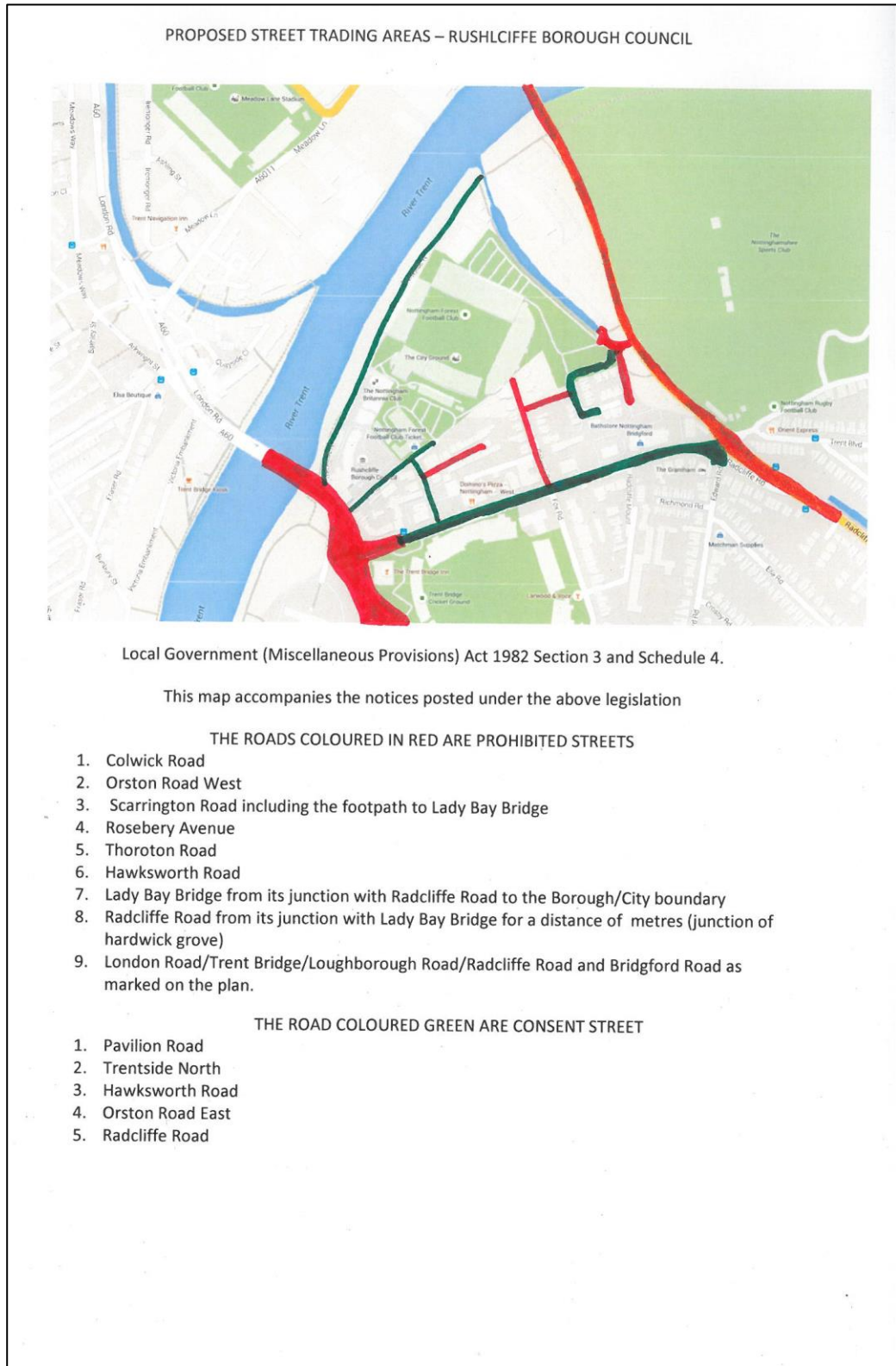
If the matter cannot be resolved advice will be given on how to further your complaint under the [Council's Complaints Scheme](#)

### **Data Protection**

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998, The GDPR and other relevant legislation. See the [Council's Privacy Policy](#) for information. (<https://www.rushcliffe.gov.uk/privacy/>)

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West  
Bridgford

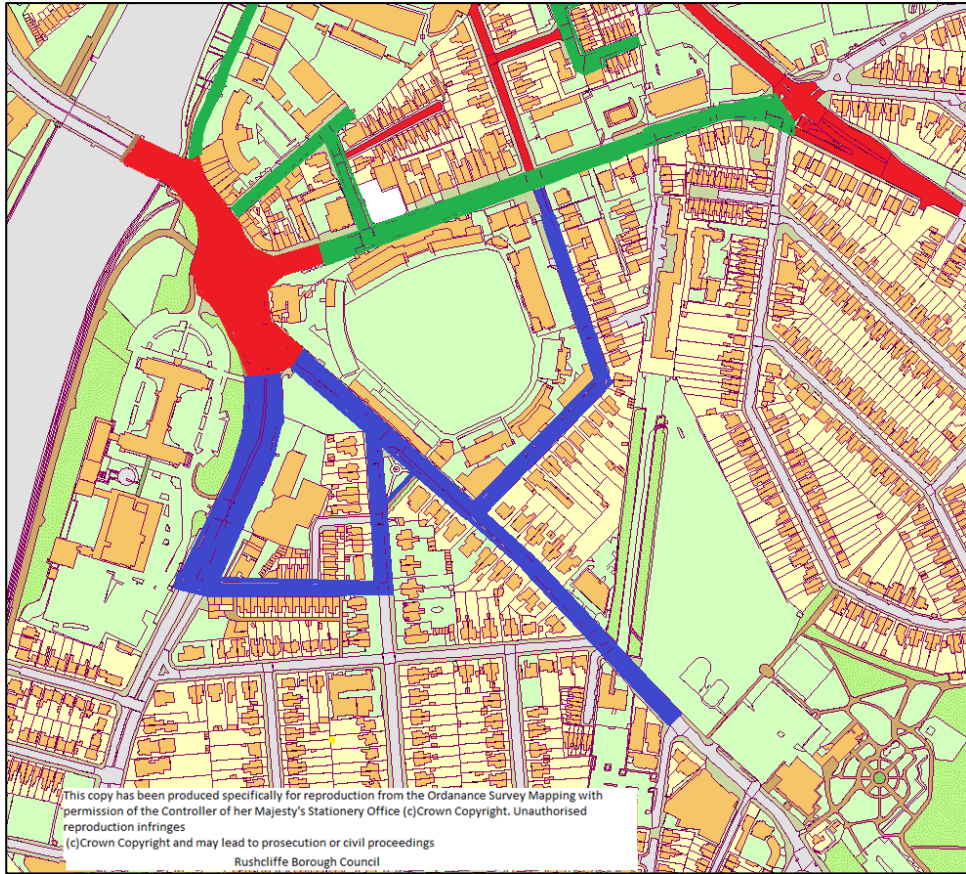
**Plan A**





## Plan B

Restricted trading during events (shown in blue)



## Appendix B Proof Of Eligibility To Work In The UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen
- EUSS Share Code for the EU, EEA Nation State Citizens or Citizens of Switzerland.
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth / Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office (Home Office Share Code) or the Border and Immigration Agency when produced in combination with either a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

## Appendix C Policy for determining the Relevancy of Criminal Convictions

### **Applications**

1. When submitting an application for the grant or renewal of a Street Trading consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or where so ever arising, which have resulted in neither an absolute discharge nor a conviction or caution.

### **Public Safety**

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex-offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. 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.
6. The Council will in all cases verify the applicant's identity and require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
  - How relevant the offences were to the type of consent applied for
  - The relative gravity of the offences committed and
  - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
  - Dishonesty
  - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
  - Drugs including cultivation, sale, supply or the recreational use thereof
  - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years.
9. The Council reserve the right to seek intelligence from all 'appropriate sources'.
10. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.



11. Existing holders of a Street Trading consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).
12. Any applicant who is refused a Street Trading consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.
13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

### **Specific Guidance of the Relevance of Convictions.**

#### **Drugs**

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

#### **Indecency offences**

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.
17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

#### **Violence**

18. As a Street Trading consent holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

#### **Dishonesty (including theft)**

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become "fair game" for an unscrupulous street trader.
21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

text and table removed regarding the rehabilitation of offenders (needs removing before publication)

## Appendix D Street Trading Consent Conditions

### 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 Rushcliffe Borough 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 Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the consent, within 5 working days.
4. The consent holder shall not sublet or underlet this consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. 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.
6. Nothing contained in these conditions shall relieve the consent holder or his/her 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
7. The consent holder shall at all times maintain a valid Third-Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the conditions attached to the consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the consent holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the consent holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics, where this is practicable and reasonable to do so, traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.
15. The consent holder shall not operate before 06:00 or later than 23:00 on any day.
16. The consent holder shall ensure that any person who is working on the vehicle has a right to work in the UK and has made appropriate checks.

### SITE CONDITIONS

17. The consent holder, when operating on a static trading 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 Council.

18. The consent holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
19. 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.
20. 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 to 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.
21. 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.
22. The consent holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent.
23. The consent holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
24. 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 by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
25. The consent holder shall make 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 other watercourse.

#### **TRADING CONDITIONS**

26. The consent holder shall not carry out street trading activities other than those permitted by the consent.
27. The consent holder shall not trade outside the time and days permitted by the consent.
28. 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 a street trading identification plate that has been issued by the Council.
29. 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.
30. 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.
31. 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.
32. The consent holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
33. All street trading fees are due yearly every July.

34. 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.
35. 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 the assistant.
36. 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.
37. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

**THE FOLLOWING CONDITIONS ONLY APPLY TO STREET TRADERS WITH PERMISSIONS IN THE AREA OF THE NOTTINGHAM FOREST FOOTBALL GROUND**

38. The permission to trade on the pitch designated shall only apply to days on which football matches take place at the Nottingham Forest Football Club, The City Ground and no other days.(unless with prior written permission of the Council.)
39. The consent holder must trade personally from the designated pitch on at least 75% of Nottingham Forest Football Club's home match days and shall not leave the above pitch vacant on more than 2 consecutive home match days without the prior written permission of the Council.
40. In regard to Mobile Food vendors based on private property, the vehicle must be positioned on the property in such a location that the serving hatch of the vehicle is at least two meters from the edge of the public highway. This is to allow free access to pedestrians and vehicles using the highway.

**LEGAL PROVISIONS**

41. Nothing contained in these conditions shall relieve or excuse the consent holder or his/her employees or agents from any legal duty or liability.
42. At all times the consent holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.
43. Traders must comply with Trading Standards legislation I.E.:
  - Goods sold by weight must be sold in metric units
  - Goods that contravene the Trade Marks Act 1994 (counterfeit goods) must not be sold
  - All goods must have a price inclusive of VAT displayed on them.
44. In accordance with the food hygiene legislation the applicant must provide proof to the Council that the business/mobile food unit is currently registered with the food authority in which the stall, handcart, barrow or mobile food unit is currently stored. It is a criminal offence to operate a food business without being registered. Note: There is no charge for the registration of a food business.

**REVOCATION OR SURRENDER OF CONSENT**

45. The consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.

46. The consent holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the consent.
47. The consent holder shall return the paper consent to the Rushcliffe Borough Council immediately on revocation or surrender of the.
48. A consent holder who is found to be employing an illegal immigrant will have the consent immediately revoked. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.
49. In the event of a consent holder having the consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of such revocation.

**MOBILE TRADING CONSENT – Additional Conditions for ice cream vendors or similar**

50. This consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.
51. Mobile units may sound chimes but not:-
  1. For longer than 12 seconds at a time.
  2. More often than once every 2 minutes.
  3. When the vehicle is stationary.
  4. When the vehicle is moving, except on approach to a selling point.
  5. When in sight of another vehicle which is trading.
  6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
  7. More often than once every 2 hours in the same length of street.
  8. Chimes must not be louder than 80dB(A) at 7.5m; and
  9. Chimes must not be sounded before 12 noon or after 19:00 hours.
10. Must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or subsequent amendments.

**BLOCK TRADING CONSENT- Additional Conditions**

52. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
53. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
54. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to the Council at least 5 working days before the consent is granted.
55. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

**NOTES TO THE CONDITIONS**

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes:

- a. 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.

consent Street Means a street in which street trading is prohibited without the consent of the district council.

Authorised Officer Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

**THIS CONSENT DOES NOT:**

1. Permit trading outside the terms of the consent.
2. Indicate that planning permission is not required, Please note:
  - a. That the requirement to obtain planning permission applies to all streets, whether they have been designated consent Streets or not.
  - b. That the grant of one or more street trading consents does not give the trader immunity from planning control
  - c. The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

## Appendix E Data Protection Privacy Notice

Please visit [Rushcliffe Borough Council Privacy Notice - Rushcliffe Borough Council](https://www.rushcliffe.gov.uk/privacy/)  
(<https://www.rushcliffe.gov.uk/privacy/>)

For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at:

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: [customerservices@rushcliffe.gov.uk](mailto:customerservices@rushcliffe.gov.uk)
- By Telephone: 0115 981 9911

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## Appendix B

Summary of changes:

All links have been checked and updated

Changes are highlighted or those marked with comments.

Changes are considered minor in the main.

Significant changes are:

- Insert condition in relation to not being able to trade around the Forest Ground unless on match days or otherwise agreed in writing.
- Remove the need for DBS for all except ice cream sellers
- Administration of refunds.
- Minor hours change can be approved by officer discretion
- Hours of operation limited to 0600 to 2300 fixes error in last policy
- Any colour notice can be used not just yellow
- Re-phrasing of single use plastic as this is now in force
- Data protection references updated
- Proof Of Eligibility To Work In The UK updated
- Reference table from rehabilitation of offender's act removed, considered not needed
  - Conditions updated or inserted are highlighted. Those of significance are:
  - Important change relates to permission to trade only on football games unless otherwise approved
  - Condition of the consent is not sell fake goods
  - Right to work of employed persons
  - Hours of use are set as a condition.

Detailed changes by page number

Changes log	Context and reason	comment
Pages numbering and some indexing changed throughout	Necessary due to changes in spacing	Some page numbers may have changed
Page 8	Point 11	Now only requiring Ice cream traders for DBS
Page 8	Point 13	Toilet provision permission now 'may be required'
Page 10	In section "Notes on application process "Listed on page 14"	<a href="#">Directs reader to the list</a>
Page 10	Refunds has been amended	Makes clearer when a refund can/should will not be provided.
Page 11	Inserts officer discretion and	Rewording and corrects 2400 to 2300

**Appendix B**

Page 12	Link to privacy at RBC	
Page 13	Rewording , only ice cream sellers are listed now for DBS.  Minor wording changes.  Also allows non specific coloured notice.	
Page 14	National Highways is the new name of the Highways Agency	
Page 16	“Associated Regulations” appended to food safety act	Now reads “Food Safety Act 1990 and Associated Regulations”
Page 17	‘are more likely’ inserted and “Where the above applies the place affected will be consulted and any views expressed will be significant in determining the application.” And “Site Assessment of this policy (on page 15).” Inserted/amended to.	Caveats that refusal is more likely and a consultative process and driven by local comment but added weight if the situation applied.
Page 18	2400 changed to 2300 And updated changed wording on single use plastics.	
Page 19	In Refusal of ap Please also see Complaints against the Service section in this policy on page 22.	
Page 22	Updated link to privacy policy	
Appendix B	Rewritten	Appendix B Proof Of Eligibility To Work In The UK
Appendix C	Tables referencing rehabilitation of offenders removed	Considered not necessary to repeat legislation

**Appendix B**

Appendix D Conditions	Conditions 14,15,16 inserted/amended		Re single use plastics, hours of operation, right to work
Appendix D specific conditions in the forest football ground area	Conditions inserted/amended	38,	Restricts use to forest football days unless otherwise agreed. This condition was missing from the last revision and reapplies this restriction. Allows control to permit or not at other times.
Appendix D specific conditions in the forest football ground area	Conditions inserted/amended	39,	Ensures the pitch is used, as there is great demand if holders do not take up pitch
Appendix D specific conditions in the forest football ground area	Conditions inserted/amended	40,	Ensures free access for the public during use.
Appendix D Conditions: other legal provisions which will enable action to be taken under the licence if breached.	Conditions inserted/amended	43,	Relates to trading standards infringement.
Appendix D Conditions: other legal provisions which will enable action to be taken under the licence if breached.	Conditions inserted/amended	38,	If food must be registered.
Appendix E	Shortened Data Protection Privacy Notice and link		

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**Appendix C**

Number	Consultation Response	Officer Comment
1	References to National Highways 'if within a motorway junction' be removed please? I don't know if it's worth listing NH routes and if it would help anything as I know that the general population don't understand different agencies for different roads. Its good that all renewals trigger a consultation (I'm aware of others rubber stamping renewals if land ownership hasn't changed which I'm not 100% comfortable with).	RBC Senior Licensing Officer has discussed the consultees comments in person with the NH Officer. We don't have a Motorway junctions in the district so this element wont apply. Emphasis is noted that the NH require consulting on their roads and appreciate being consulted on this policy.
2	No objection/comments on environmental health grounds.	From EH at RBC

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## EQUALITY IMPACT ASSESSMENT FORM

Review of the Street Trading Policy 2025-2030.

The proposed Policy is to support the provision, regulation compliance street trading consents in the borough to protect members of the public and promote the council priorities such as waste reduction, food safety and crime or disorder or the prevention of nuisance.

The policy has been revised as required by legislation.

Information used to analyse the effects of equality:

The policy has been subject to public consultation and with members. The consultation took place from **August 24 to September 24**.

**There was no comment on equality impacts.**

	<b>Could particularly benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Men, women (including maternity/pregnancy impact), transgender people	n/a	n/a	There is no requirements or restrictions in the policy.	
Disabled people or carers	n/a	n/a	There is no requirements or restrictions in the policy.	
People from different faith groups	n/a	n/a	There is no requirements or restrictions in the policy.	
Lesbian, gay or bisexual (LGBTQ+)	n/a	n/a	There is no requirements or restrictions in the policy.	
Older or younger people	yes	n/a	The policy provides that the applicant is fit and proper and may require a DBS for certain higher risk consents.	This policy will seeks to ensure younger persons are not put at risk.

Other (marriage/civil partnership. Looked after children, cohesion/good relations, vulnerable children/adults)	yes		The policy provides that the applicant is fit and proper and may require a DBS for certain higher risk consents.	This policy will seeks to ensure vulnerable persons are not put at risk.
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**OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:** *(delete as appropriate)*

No major change need    ~~Adjust policy/proposal/project~~    ~~Adverse impact but continue~~    ~~Stop/remove project/policy/proposal~~

**Arrangements for future monitoring of equality impact of this policy/proposal/project:**  
*This is a five-year policy and will be reviewed again on renewal*

**Names of officers who conducted EIA and date**

M Hickey 24/6/24  
D Roberts 24/6/24

**Approved by:**   
*(manager signature)*

**Date: 24/6/2024**

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