

HAWKING

SECTION 30 CHESHIRE COUNTY COUNCIL ACT 1980

GUIDANCE NOTES

Power of the Council to designate

The Council may designate any of the following places (or any part of such places) for the purposes of section 30:

If under the management and control of the Council

- A public off-street car park
- Recreation ground
- Garden or other park
- Pleasure ground
- Open space;

If the public commonly have access whether or not as of right

- A street
- Esplanade
- Parade
- Promenade
- Marine drive
- Way;
- The seashore

Offences

It is a level 1 offence to do the following in a designated place;

- Touting for a hotel, lodging house, restaurant or other place of refreshment, shop, theatre, place of amusement or recreation, hackney carriage, public service vehicle, other conveyance, ship or boat;
- Hawk, sell or offer for sale any thing without the consent of the Council or in breach of a consent condition
- Without the consent of the Council or in breach of a consent condition, to photograph any person by way of trade or business, or to offer or expose for hire any vehicle, chair or seat or any animal to ride.

Exceptions

- The prohibition on hawking, selling or offering for sale any thing does not apply if there is a control order in force under section 7 Local Government (Miscellaneous Provisions) Act 1976.

- The prohibition on offering or exposing for hire any vehicle, chair or seat or any animal to ride does not apply in any street.
- The section does not apply to doing anything on a highway by the owner or occupier of adjoining land fronting the highway.
- The section does not apply to doing anything on land by the owner or occupier or with the consent of the owner or occupier.
- The prohibition on selling or offering for sale any thing does not apply to selling or offering for sale any thing on premises fronting on or adjacent to a designated place.
- The prohibition on touting by the owner or operator of a public service vehicle does not apply to a specific vehicle at a bus station.
- The prohibition on photographing any person by way of trade or business does not apply to making it available for publication in a newspaper or periodical or if the business is partly for such purpose.

Before giving consent for hawking, selling or offering for sale any thing in a highway the consent of the highway authority is required.

The council may not withhold consent for the selling or offering or exposing for sale of newspapers and periodicals except on the ground that consent has already been given to a sufficient number of persons.

Can the Council impose consent conditions ?

Yes, the Council can impose reasonable conditions in respect of

- the times/period for which a consent is valid;
- fees to be charged by the Council;
- the ability of the Council to revoke consents.

Do I have a right of appeal if the application is refused or conditions are imposed on the licence?

Yes, to the Magistrates Court. The Court can give such directions where the Council has without reasonable cause : -

- withheld consent
- imposed conditions
- revoked a consent