

## **Street Trading Policy**

Draft v.6 01.11.24

### **1. Introduction**

- 1.1 The powers to control street trading within our area are conferred by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, which has been adopted by the Council. Under Schedule 4 of the Act the Council, as Licensing Authority, is able to manage street trading by designating streets as consent streets, licence streets, or prohibited streets.
- 1.2 This policy sets out the Council's approach for managing street trading and the process for applications and making decisions.
- 1.3 This new revised policy was approved by the General Licensing Committee on XX/XX/XXXX and came into effect on XX/XX/XXXX.
- 1.4 Street trading consents are processed and issued by the Licensing Team;

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County Hall  
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### **2. Policy Objectives**

- 2.1 The aims and objectives of this policy are:
  - to recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors - street trading can provide people with a flexible way of working, to meet the demands of the public where and when such demands arise
  - to ensure the safety of customers and other persons using the locations where street traders are located
  - to balance the needs of the wider community, local community and street traders against the needs of those who may be adversely affected by street trading activities
  - to provide consistency and transparency in the way in which we deal with street trading
  - to provide applicants and consent holders with advice and guidance on our approach to the administration and enforcement of street trading

### **3 Review of the policy**

- 3.1 This policy will be kept under review and where any significant amendments are considered necessary these will be approved by the General Licensing Committee after appropriate and relevant consultations have taken place.

3.2 Consultees will include (but are not limited to):

- Dorset Police
- Dorset & Wiltshire Fire and Rescue
- Dorset Council Highways
- Dorset Council Parking
- Dorset Council Trading Standards
- Dorset Council Planning
- Dorset Council Environmental Health
- Dorset Council Community Safety
- Dorset Council Economic Development
- Town & Parish Councils
- Ward Members
- Current street traders
- Local businesses
- Residents

3.3 Minor amendments that reflect changes in legislation or that do not impact on the aims and objectives of the policy, will be made with the approval of the Service Manager Licensing & Community Safety and the Chair of the Licensing Committee.

#### **4. What is street trading?**

4.1 Definitions and Resolution

4.2 The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale any article, including a living thing, in a street.

4.3 The Act states that a street includes any road, footway, beach, or other area to which the public have access without payment.

4.4 The Council has designated **all streets** within Dorset Council's administrative boundary as **consent streets**.

4.5 A street trading consent is therefore needed for trading on:

- streets, laybys, pavements or any land including verges controlled by Dorset Council unless there is payment for entry
- streets, laybys, pavements, or any land, including verges which are privately owned and the public can access, unless payment is made for entry. This may include privately owned or operated car parks for example where it is 7 meters or less from the public highway.

4.6 Exemptions from needing street trading consent

The following are exempted in the legislation and do not need street trading consent:

- a market that is granted through a charter or order
- a news vendor selling periodicals or newspapers
- trading at a petrol station forecourt
- trading at a shop or in a street adjoining a shop as part of the business or shop (selling the same goods that are sold within the shop)

- trading as a roundsperson who has defined customers and routes. It has been established in law that mobile ice cream sales are not normally deemed to be roundspersons
- service providers, e.g. hair-braiding, face painting and henna tattoos, etc. The act which governs street trading relates to the selling of articles and as such, it is the Licensing Authority's view, that people who provide a service e.g. hair-braiders, are **not** considered to be trading for the purposes of the legislation. However, if quantities of accessories used in hair braiding are also offered for sale then this may be street trading and may require consent.
- Pedlars with a valid Pedlars certificate (See Annex C)
- Persons offering advice or signing people up for schemes
- Trading on trunk roads
- Laybys on the A35
- Identified 'pop up' sites on Council owned/operated land

#### 4.7 Exemption for individual charity stalls with a street collection permit

- Individual charity stalls in a street can apply for a street collection permit which allows collecting money for a charitable cause (including through the sale of items). If a street collection permit is granted there is no requirement for a street trading consent. Please contact the licensing team for further information on applying for street collection permits.

#### 4.9 Indoor market areas

- Indoor market areas do not constitute street trading as they can be classed as shops which are exempt from street trading legislation.

#### 4.11 Events with an entrance fee

- Events that have an entry fee do not constitute street trading and do not need street trading consent

#### 4.13 Community and charitable events

- Community and charity events are important in terms of promoting local causes and participation in local matters. We feel we should assist organisers of these types of events in order to encourage community engagement. These types of events will normally be organised by a town or parish council, Dorset Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Any trading activity would be incidental to the event and where the event organiser does not charge a pitch or similar fee to trade at the event, then it may be possible for for us to waive the fee or charge a nominal amount.

#### 4.14 Tables and Chair permits

- The placing of furniture e.g. tables and chairs on the pavement is not considered to be Street Trading and permits for their placement on the highway are issued either under s.115E Highways Act or the Business and Planning Act 2020 (as amended). They are

therefore not dealt with within this policy. Please contact the Highways Team or the Licensing Team for details relating to these permissions.

## 5. Types of consents

5.1 We issue the following **four** types of street trading consent: All applications for street consent require at least **21 days notice** to be given to the Licensing Team.

- Static unit consent - static street trading consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period unless planning rules allow otherwise. A static street trading consent may be granted for any period not exceeding 12 months.
- Mobile unit consent - mobile street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice-cream van. A mobile street trading consent only permits trading within our area. If the unit goes into areas outside of Dorset it will also need consent from the relevant authority. A mobile street trading consent may be granted for any period not exceeding 12 months.
- Short term consent - short term consents are issued to traders who wish to conduct a short-term trial in order to consider whether they could be successful at a certain location selling their specific goods. The consent is considered a trial consent and only one will be issued to an individual. They are granted for a period between one and 12 days. Any trader who wishes to continue trading after the 12-day period will need to submit a further application for the full 12 months. There is no consultation fee charged for this type of consent.
- Multiuser consent- multiuser consents are issued to specific individuals or organisations managing an event. Multiuser consents can cover a number of stalls. The multiuser must meet the criteria set below:
  - ✓ it has a nominated organiser
  - ✓ it has the approval of the local Council and landowner
  - ✓ it adds value to the town's trade through the provision of specialist products
  - ✓ it does not operate in detriment to the local community

If the application is made by an organisation they must nominate a named individual who will be responsible for managing use of the consent. The consent will be issued for a maximum of 12 months and can be renewed.

The consent holder will be responsible for ensuring compliance with times and location permitted by the consent and the conditions attached at all times whilst the consent is being used to facilitate street trading as well as any relevant bylaws.

The consent holder will be responsible for ensuring that any local residents, businesses or shops are not obstructed by the stall/stalls and that all emergency exits

to buildings are kept clear. The consent holder must ensure that stalls can be moved quickly in the event that access is needed for emergency vehicles.

The consent holder will be required to keep records of all traders that trade under the consent which will include:

- event date
- company name
- individuals name
- trader name (if different)
- address
- date of birth
- National Insurance number
- food registration certificate number
- vehicle registration (if relevant)
- contact details
- type of goods sold

This information will be required by the licensing team

As part of the application process we will consult all businesses in the vicinity of the multiuser consent. If, at any point after the grant of the consent, any existing or new occupiers of businesses or residential properties make objection to stalls being located outside of their premises the consent may be reviewed which could result in it being varied or amended.

It should be noted that multiuser consents may incur other fees and charges if the land used belongs to us. This will be in addition to the street trading consent fees.

## 6. Choosing a trading location/pitch

6.1 Before applying for a street trading consent, **applicants must first identify a suitable trading pitch or site**. It is for the applicant to identify a suitable pitch having regard to the requirements in this policy and their business needs. We **do not** hold a list of available trading pitches.

6.2 A suitable pitch must meet the following criteria:

- ✓ be safe for other street users including traffic and pedestrians
- ✓ be safe for customers using the street trading unit
- ✓ not cause any potential for obstruction, interference, inconvenience or nuisance to other street users including other traders, traffic and pedestrians
- ✓ not cause any potential for nuisance to residents and other businesses for example noise and/or smell
- ✓ the goods being sold complement and do not conflict with the goods sold by other established retailers within vicinity

6.3 Account must be taken of the following:

- access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units
- locations close to residential properties are unlikely to be suitable due to the potential noise and smell nuisance to residents

- lay-bys on main roads must have good visibility to ensure the safety for traffic entering and leaving the trading site/lay-by
- there should be suitable parking spaces for customer and trading vehicles
- units should not cause loss of parking spaces to residents or businesses
- units in town centres must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises

## **7. Suitability of the applicant**

7.2 Applications cannot be considered from anyone under the age of 17.

7.2 When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a consent including whether the applicant has any unspent convictions under the Rehabilitation of Offenders Act 1974.

7.3 Where the criminal conviction certificate provided by the applicant shows current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974, we will consider the following:

- whether the conviction is relevant
- the seriousness of the offence
- the length of time since the offence occurred
- whether there is a pattern of offending behaviour
- whether that person's circumstances have changed since the offence occurred
- the circumstances of the offence and the explanation offered by that person

7.4 **Annex A** is a list of the offences that we consider relevant to a street trading consent application.

## **8. Goods for sale**

8.1 Traders wishing to sell food items must be registered as a food business with the council in whose area the trading unit is stored when it is not at the trading site. Or, if food is pre-prepared before the unit goes to the trading site, you must be registered with the Council in whose area the food preparation is undertaken.

8.2 Vehicles on the side of the road - this refers to vehicles placed on the highway and advertised for sale and includes any vehicle displaying signs that name an individual or business; or displays notices/signs intended to sell the vehicle. This authority may take enforcement action against person who are advertising vehicles for sale on the public highway, currently it is the Environmental Enforcement Team that deal with these matters. For the purposes of this part of the policy, public highway includes footpaths and adjacent verges and public open land as well as the road itself. It does not include private land. Where any vehicle is offered for sale on the highway that is not taxed and insured, the council or police may also refer it to the DVLA Enforcement Team. Enforcement also may be taken under the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005. Street trading consents are not issued for the purpose of selling vehicles on the highway.

8.3 Alcohol - If you intend to sell alcohol you will need authorisation under the Licensing Act 2003 in addition to street trading consent. Please contact the licensing team for further advice.

## **9. Assistants/employees**

- 9.1 You will be required to confirm the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.
- 9.2 We will require the name, address, date of birth, National Insurance number, a basic criminal check (not more than 30 days old) and a photograph of all persons assisting on a regular basis. The basic criminal check must be updated at least every 12 months. We would consider any person who works on the unit, without the consent holder being present, for more than 14 days a year, as assisting on a regular basis.

## **10. Waste**

- 10.1 A street trading consent holder is responsible for disposal of refuse and must not use council, highway or other public waste bins unless there is a specific arrangement in place. The consent holder has a duty of care to dispose of commercial waste lawfully.
- 10.2 There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil.

## **11. Trading hours**

- 11.1 An application should specify what hours the applicant wishes to trade. Evening and nighttime hours are likely to have more impact on local residents in terms of noise and disturbance. Applications for later times are more likely to raise objections which may lead to those times being refused or additional conditions imposed.
- 11.2 The consent holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle and there will be 30 minutes to close down and pack up. Consent holders are not permitted to trade during set up and closing times. Multiuser consent holders will be permitted 90 minutes prior and after trading times to set up and close down the stalls.
- 11.3 Traders who wish to serve hot food and drink between 11pm and 5am will also need a licence for late night refreshment issued under the Licensing Act 2003. Please contact the licensing team for further information.

## **12. Planning permission**

- 12.1 A street trading consent is given to units where the unit is removed every day at the end of the trading period. If a unit is permanently located at a site it may also require planning permission. Units that are removed every day may also potentially require planning permission in addition to street trading consent. This will be dependent on the amount of time and days that the unit is located at the site. Please contact the planning team for further advice.
- 12.2 If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

## **13. How to apply for street trading consent (all consent types)**

- 13.1 Advice for new applicants
- 13.2 On receipt of an application we will undertake a consultation exercise in order to seek the views of other agencies and, if relevant, neighbouring businesses and residents. There is a non-refundable fee to cover the cost of administering the consultation (this is not applicable to short term consents).
- 13.3 The consultation process will normally take at least 14 days and a decision will then be normally made within seven days of the consultation ending. All applicants should therefore allow a minimum 21 days for their applications to be processed.
- 13.4 Once a decision is made to grant a street trading consent there is a consent fee. This must be paid before the consent is issued and trading can commence.
- 13.5 Submitting an application
- 13.6 The following must be submitted with the initial application:
- ✓ application form
  - ✓ notice of intention (including description of the goods for sale and trading hours etc.)
  - ✓ proof of eligibility of the applicant to work in the UK (where applicable)
  - ✓ plan showing the proposed trading location with position of the unit(s) shown in red. (not required for mobile units)
  - ✓ written permission from a landowner if the street trading activity is to be carried out on any land owned privately (under certain circumstances where the activity requires consent i.e. where it is 7 meters or less from the public highway)
  - ✓ payment of a non-refundable consultation fee to cover initial administration and consultation costs (this not required for short term consents)
  - ✓ a picture, illustration or photograph of the stall or stand
  - ✓ the dimensions of the stall or stand
- 13.7 If, following consultation the location is deemed suitable, the following must be submitted before a final decision is made and the consent issued:
- ✓ third party public liability insurance up to £5,000,000.
  - ✓ a basic criminal disclosure check that is not more than one month old for the applicant and any person/s that will be assisting on a regular basis. Basic criminal disclosure checks can be obtained from the Disclosure and Barring Service. Information can be found on [GOV.UK](https://www.gov.uk) (not applicable to short term consents).
  - ✓ one passport sized photograph of the applicant and any person/s that will be assisting with the trading on a regular basis. (Not applicable to multiuser and short term consents).
- 13.8 Consultation
- 13.9 Consultation static consents and multiuser consents - on receipt of a valid static or multiuser application we will consult with the following:
- Dorset Police
  - Dorset Council highways
  - Relevant town or parish council(s)
  - Dorset Councillor(s) for the ward(s) concerned
  - Environmental Health at Dorset Council
  - Planning officers at Dorset Council

- where appropriate local residents and businesses within close proximity of the proposed site
  - the relevant department/individual when it's in relation to public owned land
- 13.10 We will allow up to five working days to prepare for the beginning of the 14 days consultation for people/relevant bodies to make comments in relation to the application.
- 13.11 Consultation mobile and short term consents
- 13.12 On receipt of a valid mobile or short term consent application we will consult with the following:
- Dorset Police
  - relevant town or parish council
  - relevant ward councillor(s)
  - Environmental Health officers at Dorset Council
  - the relevant department/individual when it's in relation to public owned land
- 13.13 Determining applications
- 13.14 The Service Manager for Licensing & Community Safety has delegated powers to issue or refuse an application following the consultation period.
- 13.15 Account will be taken of objections and/or letters of support made during the consultation period. The authority will consider the suitability of the site and the applicant taking account of, but not exclusively, the criteria in this policy.
- 13.16 Each application will be decided on its own merits however, in deciding whether to grant a particular street trading consent the Council will have regard to any representations made from the consultees and: -
- any effect on road safety, either arising from the siting of the pitch/activity or from customers visiting or leaving.
  - any loss of amenity caused by noise, traffic or smell.
  - existing Traffic Orders e.g. waiting restrictions.
  - any potential obstruction of pedestrian or vehicular access and/or access to shops.
  - any obstruction to the safe passage of pedestrians.
  - the safe access and egress of customers and staff from the pitch and immediate vicinity (including adequacy of lighting).
  - disabled access.
  - any implications/conflicts with nearby shops and/or businesses.
  - suitability for the varieties of street trading and activities - the Council would not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops.
  - hours of trading - street trading hours would normally mirror those of shops in the immediate vicinity but will in all cases cease no later than 22:00.
- 14. Street trading identification badges**
- 14.1 On grant of a street trading consent a street trading identification badge (except for short term consents and multiuser consents) will be issued. The badge must be worn by the person it relates to where it can be clearly seen by the public at all times the person is

trading. If the badge is lost or damaged the consent holder must contact us as soon as possible. A charge will be made for a replacement badge.

## **15. Fees and charges**

- 15.1 A list of the current street trading consent fees and charges is available by contacting the Licensing Team.
- 15.2 Initial applications (apart from short term consents) must be accompanied by payment of a non-refundable administration fee to cover initial administration and consultation to determine suitability of the site. The consultation exercise will not commence until this payment is made.
- 15.3 Once a decision is made to grant a consent the full consent fee must be paid before the consent will be issued.
- 15.4 The fees will normally be reviewed on an annual basis.
- 15.5 Street trading fees may be waived in relation to charitable or community events at the discretion of the Service Manager for Licensing & Community Safety. Each request will be judged on its own merits, however the following criteria will be considered:
- ✓ the street trading is part of an organised event with an organising group/committee/individual
  - ✓ the primary purpose of the event is fundraising for a charitable cause or is for the benefit of the community
  - ✓ the event does not take place any more than once a year
  - ✓ stalls are pre-booked
- 15.6 Payment methods - payment can be made online or by debit or credit card – can be used in our offices or by phone to the licensing team between normal office opening hours on 01305 838028

## **16. Responsibilities of the consent holder**

- 16.1 The consent holder must act in accordance with the conditions attached to the consent.
- 16.2 A street trading consent entitles the applicant to trade lawfully in the location(s) specified in the consent. Please note there are many other users of streets and the consent does not grant exclusive rights of occupation or ownership of a specific location.
- 16.3 A street trading consent is not a permit to disregard other laws or usual restrictions. For example:
- always observe parking restrictions and do not obstruct the highway or entry or exit roads to private property
  - other relevant legislation such as the Food Hygiene (England) Regulations 2006, Health & Safety At Work etc Act 1974 and Part II, section 34 of the Environmental Protection Act 1990 (disposing of waste) must be complied with
  - a consent holder must not cause a nuisance to the occupants of neighbouring properties from noise, litter, disposal of waste or any other antisocial activity.

- 16.4 Changes to the unit – the consent holder must contact the licensing section if you want to change your unit. You may need to make a new application or a variation application if the change is significant and impacts on the objectives of this policy.
- 16.5 Changes of assistants - the consent holder must provide the licensing section with a photograph and basic criminal record disclosure that is not more than one month old for any new persons that assist on a regular basis.

## **17. Renewal**

- 17.1 Applications to renew an existing street trading consent must be made at least 21 days prior to the expiry of the existing consent.
- 17.2 A renewal application may be refused if the renewal application is made late and it is the responsibility of the consent holder to make sure that they submit their application to renew in time.
- 17.3 The following must be submitted with a renewal application:
- renewal application form
  - renewal fee
  - copy of current third party liability insurance up to £5,000,000

### 17.4 Additional requirements at renewal:

- a basic criminal disclosure for the consent holder and any persons that assist on a regular basis from the Disclosure and Barring Service that is not more than one month old.
- one recently taken passport size photograph of the consent holder and any persons that assist on a regular basis (not required for multiuser consents)

## **18. Transfer of consents**

- 18.1 Street trading consents are non-transferable. If there is an agreement between a current consent holder and a proposed new consent holder to take over an existing unit and location, the original consent holder must surrender their consent and the proposed new consent holder must submit a new application.
- 18.2 The proposed new consent holder, who has made the agreement with the existing consent holder, will be given priority in applying for the location provided that the new application is submitted within five working days after the current consent holder surrenders their consent. The applicant will need to follow the process for submitting a new application.

## **19. Variation of consents**

- 19.1 A street trading consent may be varied to change the terms of the consent. This includes variations relating to trading times and periods. This does not include a change of consent holder or a change of location. A variation application should be submitted with the following:
- variation application form
  - notice of intention
  - written permission for the proposed change from the landowner if the street trading activity is carried out on any land owned privately
  - photograph of the new/changed unit if applicable

- payment of the non-refundable consultation fee

19.2 Consultation will be in accordance with the new application process. However if the variation is of a minor nature, then the consultation may be reduced at the discretion of the Service Manager for Licensing & Community Safety.

## **20. Conditions attached to consents**

20.1 When granting or renewing a street trading consent we may attach such conditions to it as we consider reasonably necessary

20.2 Street trading consents will usually be granted subject to the standard conditions detailed in **Annex B** to this policy

20.3 Where appropriate, additional conditions may be added to a specific consent.

## **21. Refusal, revocation and appeals**

21.1 A consent may be revoked at any time by us if appropriate and justified and we shall not in any circumstances be liable to pay any compensation to the holder in respect of such revocation.

21.2 The Act does not provide an applicant or a consent holder with any direct right of appeal against a decision to refuse the grant, variation or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.

21.3 If an applicant or any relevant party wishes to make representations in respect of a decision to grant, refuse or revoke a street trading consent the applicant/consent holder/relevant party should put this in writing with the reasons to the licensing team within 28 days of being notified of the decision. The request will be reviewed by the Service Manager for Licensing & Community Safety, who will consider whether it is reasonable and proportionate for the matter to be considered by a Licensing Sub-Committee. The review of the decision will take account of the reasons for the original decision and the representations made or any further evidence put forward by the Licensing Authority, applicant, consent holder or any other party.

## **22. Enforcement**

22.1 General principles

22.2 It is recognised that well-directed enforcement activity from us benefits not only the public but also responsible members of the trade.

22.3 All decisions and enforcement actions taken by the licensing authority will be in accordance with our Enforcement Policy and the principles of consistency, transparency and proportionality set out in the Regulator's Compliance Code.

22.4 Consent Holders must allow access to our authorised officers and police officers at all reasonable times.

## **23. Offences**

23.1 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relevant to the Dorset Council area:

- engaging in street trading in a consent street without consent
- breaches of a condition in relation to trading location or unit or trading period
- breaches of a condition attached to the granted consent

23.2 A person found guilty of the above offences may be liable on conviction to a fine of up to level 3 on the standard scale (£1000 at time of writing).

## **24. Complaints**

24.1 Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

24.2 If a complaint is found to be justified then the following actions may be taken by officers under delegated authority:

- verbal warning
- written warning
- simple caution
- prosecution
- revoke the consent

## **Annex A Relevant Offences**

Relevant offences when determining suitability of an applicant for a street trading consent

### **Dishonesty**

A street trading consent will not be granted unless three to five years have lapsed since a conviction for an offence that involves dishonesty, for example theft or fraud, or completion of any sentence imposed whichever is later.

### **Violence**

If an applicant has been convicted for an offence for violence which involves loss of life, a street trading consent will not be granted. In other cases a street trading consent will not be granted unless three to 10 years have lapsed since a conviction for an offence relating to violence or completion of any sentence imposed whichever is later.

### **Drugs**

A street trading consent will not be granted unless five to 10 years have lapsed since a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is later. A street trading consent will not be granted unless three to five years have lapsed since a conviction for an offence relating to the possession of drugs or completion of any sentence imposed whichever is later.

### **Sexual and indecency offences**

A street trading consent will not be granted where there are convictions for rape, indecent assault, any sexual offence involving children and any conviction for an offence under the Sexual Offences Act 2003, or for indecent exposure.

### **Exploitation**

A street trading consent will not be granted if there are convictions relation to exploitation of another individual. This will include slavery, child sexual exploitation and grooming.

#### Motoring convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious nature or may be relevant to the type of street trading activity. In those cases a street trading consent will not be granted unless three to five years have lapsed since any such convictions or completion of any sentence imposed whichever is later.

#### Street trading legislation

We take a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless two years have lapsed since any offence under the 1982 Act or if there is more than one conviction then five years must have lapsed.

#### Formal cautions and fixed penalty notices

For the purposes of these guidelines, we will treat formal cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

#### Existing consent holders convicted of an offence

We may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence falls into one of the categories detailed above.

## **Annex B**

### **Standard conditions applicable to holders of a street trading consent issued under the Local Government (Miscellaneous Provisions) Act 1982.**

It is important that the consent holder should understand and at all times observe these conditions. Any breach of any condition could result in revocation of the street trading consent.

1. Street trading can only take place in accordance with the times and permissions of the consent.
2. A consent may be revoked at any time and the Licensing Authority shall not, in any circumstances, be liable to pay any compensation the holder in respect of such revocation.
3. The consent holder shall return this consent to us immediately on revocation or surrender of the consent.
4. Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.
5. The consent holder shall not assign, underlet or part with his/her interest or possession under this consent without informing the Council in writing.
6. Consent holders shall permanently and clearly display on the street trading unit, in a conspicuous position readily visible to the public, the valid consent that has been issued us (static and mobile consents only).
7. The consent holder and any assistants shall sell/offer for sale only such goods or types of goods as may be specified in the street trading consent granted to the consent holder

8. The consent holder shall at all times maintain a valid third party public liability insurance policy of at least £5,000,000 to the satisfaction of the Licensing Authority and shall produce a valid certificate of such insurance at any time upon request by an authorised officer.
9. The consent holder shall keep their trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours and also leave the site in a clean and tidy condition and unobstructed at the end of each period of use under the terms of this consent. For these purposes the term 'immediate adjacent area' refers to all public land within a 20 metres radius from the trading location over which the public have access.
10. No waste matter shall be discharged into or allowed to enter any highway drain or water course.
11. Every static street trading unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The unit must not be left on site when not in use unless express written consent has been given by the Service Manager for Licensing & Community Safety.
12. The consent relates only to the unit described in the application or as defined on the certificate of consent and cannot be altered without express written permission of the Service Manager for Licensing & Community Safety.
13. The use of awnings; external display stands and the positioning of tables, chairs and sunshades around the unit are also prohibited without the express written permission of the Service Manager for Licensing & Community Safety.
14. The display of advertising signs, other than on the unit itself, is prohibited without the written permission of the Service Manager for Licensing & Community Safety. Signage must also have planning permission where applicable.
15. Holders of a mobile street trading consent must not trade in one place for more than 30 minutes at a time and must not return to the same location within two hours.
16. No street trading unit shall be located and no street trading activity shall be carried on to cause obstruction of any street or endanger persons using the street.
17. The consent holder shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity. Noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall also not give rise to a statutory or public nuisance.
18. The consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of where required.
19. The consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from his/her trading. The consent holder will make available the relevant documentation as proof of compliance at the request of one of our authorised officers
20. If, and when required, the consent holder shall present the street trading unit to and Authorised Officer for inspection within 72 hours of the request being made.
21. The Licensing Authority reserve the right to refuse to renew a static street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.
22. Street trading shall not be carried on at any time unless the appropriate fee for the street trading consent has been duly paid to the Licensing Authority.

23. The consent holder shall at all times conduct business in a clean, honest, civil and business like manner without interfering with the business of other traders and consent holders.
24. Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify the Licensing Authority in respect of all claims, actions, demands or costs arising from this consent.
25. The Licensing Authority may vary or make additions to the conditions applying for any or all street trading consents, at any time giving due notice.
26. The trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of handbill, public address system or otherwise without the express written consent of the Service Manager for Licensing & Community Safety.
27. The Licensing Authority reserves the right to exercise its powers under the Local Government (Miscellaneous Provisions) Act 1982 to prohibit any street trading for a maximum of six days in any one year where it is considered necessary by the Licensing Authority subject to notice in writing at least 14 days prior to removing the consent day(s).
28. The Council retains the right to alter the given sale area in case of unforeseen circumstances.
29. Traders shall follow any recommendations/advice given to them by an Authorised Officer or a Police Officer.
30. Traders/trading assistants must report the loss of a consent notice to the Council's licensing service within 72 hours of losing it.
31. The consent holder(s) shall notify Licensing Team within 72 hours of any relevant convictions or proceedings as listed in Annex A Relevant Offences.
32. Traders/trading assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch or in their possession will have their consent revoked.
33. Goods may not be of an inflammable, corrosive or otherwise dangerous nature.
34. All goods shall be clearly priced, and goods sold by weight or number shall show the unit of quantity in which they are being offered for sale. A street trader offering a service shall make clear the nature and cost of that service.
35. All goods sold shall comply with relevant trademark, counterfeit and product safety regulations.
36. Trading may only take place on the days and during the times specified on the consent without special authorisation being given in writing from the Service Manager for Licensing & Community Safety.
37. The trading area shall not exceed that for which consent has been granted.
38. No mobile generators shall be used without the express permission of the Council. Where permission is granted, generators shall be so positioned that: - they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.
39. The street trading consent holder will be responsible for ensuring compliance with all relevant legislation and regulations covering the siting, operation and management of the sale area (including relevant food safety, health & safety, road traffic, planning and highways legislation if applicable) and for the payment of any fees so required.

## **Annex C Pedlars**

A Pedlar is someone who holds a Pedlars Certificate issued under the Pedlars Act 1871 issued by the police. The Certificate enables them to trade anywhere without any further need for any other consent. They can only be granted to people without a criminal record and must be renewed each year.

The term “pedlar” means “any hawker, pedlar, petty chapman, tinker, caster of metals, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men’s houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered”. Pedlars Act 1871 section 3

The following information has been taken from the [Pedlars Info](#) website.

“A pedlar may trade privately at the door of a person’s house or in a public street, market or fair. Trading by a person within conditions of a Pedlars Certificate is not Street Trading for the purposes of local Street Trading regulation according to Local Authority licences or consents issued for static street trading pitches within given spaces. A pedlar’s means of trading must be mobile and movable so as not to cause obstruction or public liability on the highway. A pedlar may use a pedestrian scale mobile device to carry and display goods. A pedlar is also described as a hawker amongst other descriptions. A pedlar is entitled to remain static whilst serving customers. Although it is not ‘necessary’ to carry a certificate to trade foodstuffs nothing prohibits obtaining a certificate for the purpose to avoid commission of a local Street Trading offence.”