



High Peak Borough Council

Working for our community

Street Trading Consent in the High Peak

Application pack for businesses trading on or next to a Highway



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What is Street Trading?

Street trading means the selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment (this can include private land). Trading is not allowed under any circumstances on a Prohibited Street. Trading is only allowed on Consent Streets with the written permission of the Council.

- Consent Streets are all roads with a speed limit of less than 40mph, and all lay-by's on other roads.
- Prohibited Streets are all roads with speed limits of 40mph or greater, with the exception of lay-by's on those roads, which are designated as Consent Streets as above.

Trading without Consent or on a Prohibited Street is against the law and offenders may be prosecuted through the Magistrates Court. Further details of the offences appear later in this booklet.

To apply for Consent, please tear out and use the application form in this booklet.

Why do I have to have the Council's Consent?

The Council has designated all streets in the borough as either Prohibited streets or Consent streets under the Local Government (Miscellaneous Provisions) Act 1982, and to trade on a Consent street, you must have that Consent from the Council beforehand. The aim of the Council is to:

- ensure road safety considerations are met;
- ensure that the borough is not adversely affected by large numbers of street traders;
- ensure that businesses do not have an unfair advantage over fixed premises businesses.

What are the rules?

Each Street Trading Consent has a number of conditions attached. The standard ones can be added to by the Council. The standard conditions are:

1. Details of the place in which the consent holder is permitted to trade.
2. The days and times at which the consent holder is permitted to trade.
3. A description of the types of articles in which he is permitted to trade.
4. The nature, size and type of stall, stand etc which is to be used.
5. That the street trading consent plate issued by the Council must be displayed on the stall.
6. If food is to be sold, that there are satisfactory handwashing facilities.
7. That the trader must have sufficient public liability cover (currently £1,000,000).
8. Restrictions on the means the trader may use to attract custom to his stall.
9. That a suitable receptacle for litter must be provided.
10. That the location must be left in a reasonably clean and tidy condition.
11. Normally the stall must be removed each day at the end of trading hours.
12. That the trader must comply with any reasonable request of a police or council officer.
13. That the trader must produce a copy of their consent on demand.
14. Food Traders should be registered with the local Environmental Health service where their vehicle is stored.
15. Operators must cease trading upon expiry of Consent or when payments are overdue.
16. Applicants must not be under 18 years of Age.

What does this not apply to?

Street Trading Consent not apply to activities such as placing goods for sale on the street or street café's operating from a fixed premises. This is dealt with under separate legislation.

There are also a number of specific activities which are exempt from the law on Street Trading and these are:

- Trading as a Pedlar with a Pedlars Certificate
- Anything done on a market or fair organised under an order, grant or enactment.

- Trading on a trunk road picnic area¹
- Trading as a news vendor¹
- Trading at a Petrol Filling Station or is carried out on premises used as a shop or in a street adjoining these premises and used as part of the business of the shop;
- Selling things or offering or exposing them for sale, as a roundsman;

There are other exemptions laid out in law which are consequential.

Why would the Council refuse an application?

The Council will consider each individual application on its merits and will normally grant a street trading consent unless, in its opinion:

- a) There is not enough space for the applicant to trade.
- b) There are already enough traders of that type trading in the vicinity.
- c) There is undue concentration of traders in the street in which the applicant desires to trade.
- d) The consent, if granted, will result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the consent.
- e) The size, nature or appearance of the proposed stall (and any associated equipment) is inappropriate for the proposed location in terms of amenity or public or highway safety.
- f) The proposed trading hours are outside the usual business hours of shops in the vicinity (except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis).

In addition to these, the Council will consider:

- g) Known previous convictions for relevant offences. (Dishonesty, Food Safety, Health and Safety, Licensing or other related issues).
- h) Failure on a previous occasion to pay street trading consent fees within agreed timescales.
- i) The applicant is under 18 years of age.
- j) Any additional issues arising from Consultations.

Why would the Council revoke a Consent?

Any offences that the consent holder has been convicted for detailed above during the last or current Consent period, failure to comply with the conditions of a Consent or other practices which the Council considers inappropriate.

¹ Specific definitions in the Local Government (Miscellaneous Provisions) Act 1982. For more information contact Licensing and Land Charges.

How quickly will my application be dealt with?

The council has set out maximum time periods for applications to be dealt with. These are set out below.

Function	Time (Maximum)
Sending renewal application forms to Existing annual consent holders.	End of January annually, or 2 months before one off event renewal.
Acknowledging receipt of Applications received	3 Working Days
Referral to Licensing Panel hearing (if necessary and includes consultation with relevant bodies).	21 Days
Delegated authority decision (includes consultation with relevant persons)	21 Days
Notification to applicant following decision	3 working days
Production and sending of Consent on receipt of consent fee or agreed part of consent fee	3 working days

In the event of an application which normally would be a delegated decision, being referred to the Licensing Panel for a decision, the time period begins again to enable report to Panel to be produced.

How can I pay for a Consent?

Payment in full when you apply or agreed part payment with the application must be received by the Council with the Application. Part payment will only be accepted upon agreement to enter into an instalment arrangement, where an invoice for the remaining fee will be sent out to you. This option attracts an additional £30 administration fee which will be added to the final bill.

Offences and penalties

- Trading on a Prohibited street.
- Trading without consent on a Consent street.
- Trading in a place other than the specific place detailed in a Consent;
- Trading at times outside those specified in a Consent
- Making a false statement or a statement which the applicant believes not to be true in an application for a Consent

A person found guilty of an offence above shall be liable to a fine not exceeding £1,000²

Sources of Additional Information and Help

The Environmental Health Service can be contacted for more detailed advice on Food and Safety issues. A simple to use Food Hygiene and Safety guide for mobile is available.

² Correct at 1 January 2008



APPLICATION FOR A STREET TRADING CONSENT

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

I enclose a Street Trading Consent Fee of £..... (see fee's and charges for details – info available on request) with this application form and understand that it will only be refunded if my application is rejected.

Please tick the relevant payment option:

- Full fee paid
- ...(number) Instalments of £..... agreed in principle with Licensing and Land Charges Manager (Includes £30 additional administration fee).

Please include a Passport photo of all Applicants and a photograph of the Trading Unit proposed.

INCOMPLETE APPLICATIONS WILL BE RETURNED AND PAYMENT REFUNDED AUTOMATICALLY

Name of Applicant(s):

Address of Applicant(s):

PO Box Numbers will not be accepted

Post Code:..... **Tel Number:**.....

Articles to be sold

Stall/Vehicle Desc. **Vehicle Reg:**

Proposed Location

.....

Trading Name

Start Date Required *If multiple dates, indicate on a separate sheet.*

Days of the week when trading is to take place **Time of Day for trading**

Local Authority Name where Food Business Registered *I give permission to obtain copies of any Food Hygiene Inspection records carried out on my business and/or vehicle(s)*

Details of any Convictions for food hygiene, health and safety, street trading or trading standards offences

.....

I understand that if the Consent is granted that it will be subject to conditions, it will not constitute or imply planning permission, and that the site may not be available at all times for the purposes of trade.

Signature of Applicant(s) **Date:**.....

Please return this form to the address below