

## Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Licensing Committee	
MEETING/ DECISION DATE:	6 <sup>th</sup> October 2014	
TITLE:	Review of the Council's Street Trading Policy, conditions and guidance	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> Annex A- Copy of the responses to the consultation exercise on the proposed revised Street Trading Policy, conditions and new guidance Annex B- Copy of the proposed Street Trading Policy, conditions and new guidance including amendments (in red) Annex C- Copy of the current Street Trading Policy		

### 1 THE ISSUE

1.1 To review the Council's street trading policy which was last updated in 2010.

1.2 This report brings the findings of the consultation exercise carried out on the proposed revision of the Council's Street Trading policy, conditions and new guidance and this report asks the Licensing Committee to note the comments received and to approve the officers recommendations prior to the revised policy, conditions and guidance being presented to Cabinet in November 2014 for adoption.

### 2 RECOMMENDATION

2.1 The Licensing Committee is asked to note the comments received from the consultation exercise and to accept the officer recommendations set out in Annex B.

2.2 The Licensing Committee are asked to recommend that the revised policy, conditions and guidance provided at Annex B, is presented to Cabinet at its meeting on 13<sup>th</sup> November 2014, with a recommendation that the policy is adopted.

### **3 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

- 3.1 Finance and Property: The revised policy proposes that there will be a preferred set of standards for the design and appearance of stalls and compliance is expected from all street trading pitches. Stalls within the main shopping area of Bath will be expected to use a particular design in recognition of the importance of this area and the world heritage status of the city. This area will include the central spine of Milsom Street down through Union Street, Stall Street and Southgate Street in addition to other popular areas such as Kingsmead Square, Sawclose and Terrace Walk.
- 3.2 It is proposed that all new applicants will be required to adopt the new standards from when they are granted a street trading pitch; existing pitches will be required to upgrade their units by 1<sup>st</sup> January 2017. To assist both existing applicants and new street traders, the Council has produced guidance notes which identify the types of stalls and standards of quality and design which would achieve compliance. In anticipation of this change, the Council has already been working with existing street traders to help them upgrade their units. For both existing and new traders, the Council intends to purchase a number of units which could then be rented to the trader on a cost recovery basis for the period that they have a street trading consent. This prevents the trader from paying a large, upfront cost to help them with their business from the outset. The unit would remain the property of the Council but be retained by the trader during the period of time that they retain the street trading consent. The trader would also be responsible for insuring the unit against theft and/or damage.
- 3.3 The cost of the units is expected to be under £10k in total, which would be found from within existing Licensing revenue budgets in 2014/15 or 2015/16. The annual anticipated total rental income from the units is likely to be c£3k until such time as the cost of each unit has been recovered. Thereafter there maybe a small charge to traders to cover the ongoing cost of repairs and maintenance of the units. This will be structured such that there is no surplus or deficit to the Council.
- 3.4 All fees charged in respect of street trading will remain on a cost recovery basis.

### **4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL**

- 4.1 The basis for this report stems from a need for the Council to review its street trading policy and ensure that it remains up to date. The Council is keen that this revision of its Street Trading Policy emphasises the importance of street trading to both the local environment and local economy and the role it plays in helping small businesses to establish and grow
- 4.2 All streets in Bath and North East Somerset are designated as 'consent streets'. The effect of this is that, with certain exceptions, selling, exposing, or offering for sale any article in a street requires a street trading consent issued by the Council. Persons trading without a consent are liable to prosecution for an offence and if convicted can be fined up to level 3 on the standard scale, currently £1000.
- 4.3 Street Trading consents are issued under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 7 provides that:

- (1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.
- (2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.
- (3) A street trading consent shall not be granted-
  - (a) to a person under the age of 17 years; or
  - (b) for any trading in a highway to which a control order under Section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.
- (4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.
- (5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-
  - (a) obstruction of the street or danger to persons using it; or
  - (b) nuisance or annoyance (whether to persons using the street or otherwise).
- (6) The council may at any time vary the conditions of a street trading consent.
- (7) Subject to sub paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.
- (8) The council may include in a street trading consent permission for its holder to trade in a consent street-
  - (a) from a stationary van, cart, barrow or other vehicle; or
  - (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions-
  - (a) as to where the holder of the street trading consent may trade by virtue of the permission; and
  - (b) as to the times between which or periods for which he may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

4.4 When granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.

4.5 A copy of the Council's current Street Trading Policy and Conditions is produced at Annex C.

## **5 THE REPORT**

5.1 The Council have completed a twelve week consultation on the review of its Street Trading policy, conditions and new guidance for stalls. This report brings to the committee the findings of the consultation together with officer comments and recommendations. Copies of the comments received are provided in Annex A.

5.2 A copy of the amended Street Trading policy conditions and guidance, which includes the officer recommendations, is provided in Annex B.

5.3 The Licensing Committee are now being asked to note the comments received from the consultation exercise; to note the officer comments, to approve the officers recommendations and that the revised policy, conditions and guidance is presented to Cabinet at their meeting on the 13<sup>th</sup> November 2014 with a recommendation that the revised policy and conditions are adopted.

## **6 RATIONALE**

6.1 The rationale for this report stems from a need on the Council to review its Street Trading policy.

## **7 OTHER OPTIONS CONSIDERED**

7.1 Advice has been sought from the Council's Legal Services and the Council's Monitoring Officer (Council Solicitor), and Section 151 Officer (Resources director) have had the opportunity to input to this report and have cleared it for publication.

## **8 CONSULTATION**

8.1 The consultation included the persons listed below:

- The chief officer of police for the area;
- All Ward Councillors, Town Councils and Parish Councils
- Existing Street Traders
- Visitors to Bath City Conference
- Student Community Partnership
- Night Time Economy Group

8.2 In addition a stakeholder workshop was held on 23<sup>rd</sup> July 2014 which was attended by street traders, the Bath Improvement District, Council Officers and Councillors. Presentations were delivered by Sark Kenny, a street trader in Bath, David Dixon, the Council's Stronger Communities Manager and Andrew Cooper from the Bath Improvement District. Approximately 30 people attended and feedback indicated that 67% of those attending confirmed the workshop fully met their needs.

8.3 This report has not been sent to the Trades Unions because there are no staffing issues.

## 9 RISK MANAGEMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

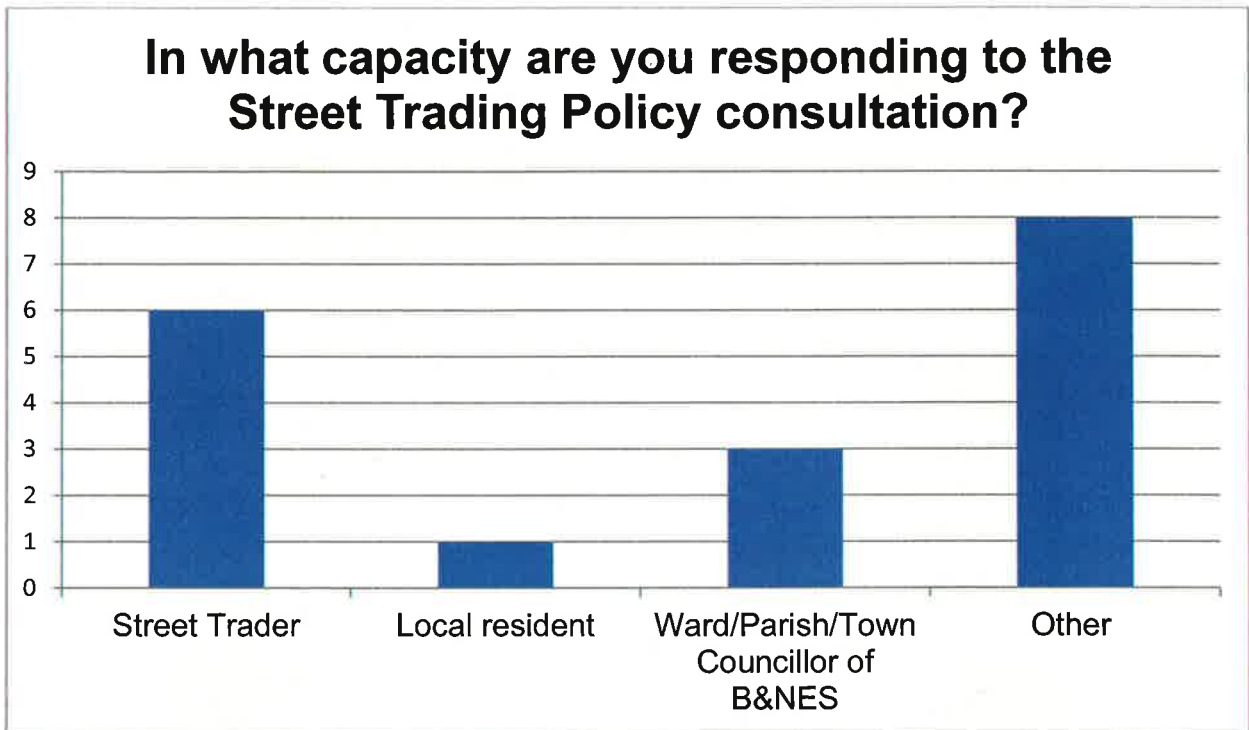
<b>Contact person</b>	<i>Cathryn Humphries, Licensing and Environmental Protection Manager (01225 477645)</i>
<b>Background papers</b>	<i>Local Government (Miscellaneous Provisions) Act 1982</i>
<b>Please contact the report author if you need to access this report in an alternative format</b>	



# Annex A- Street Trading Policy 2014 Consultation Responses

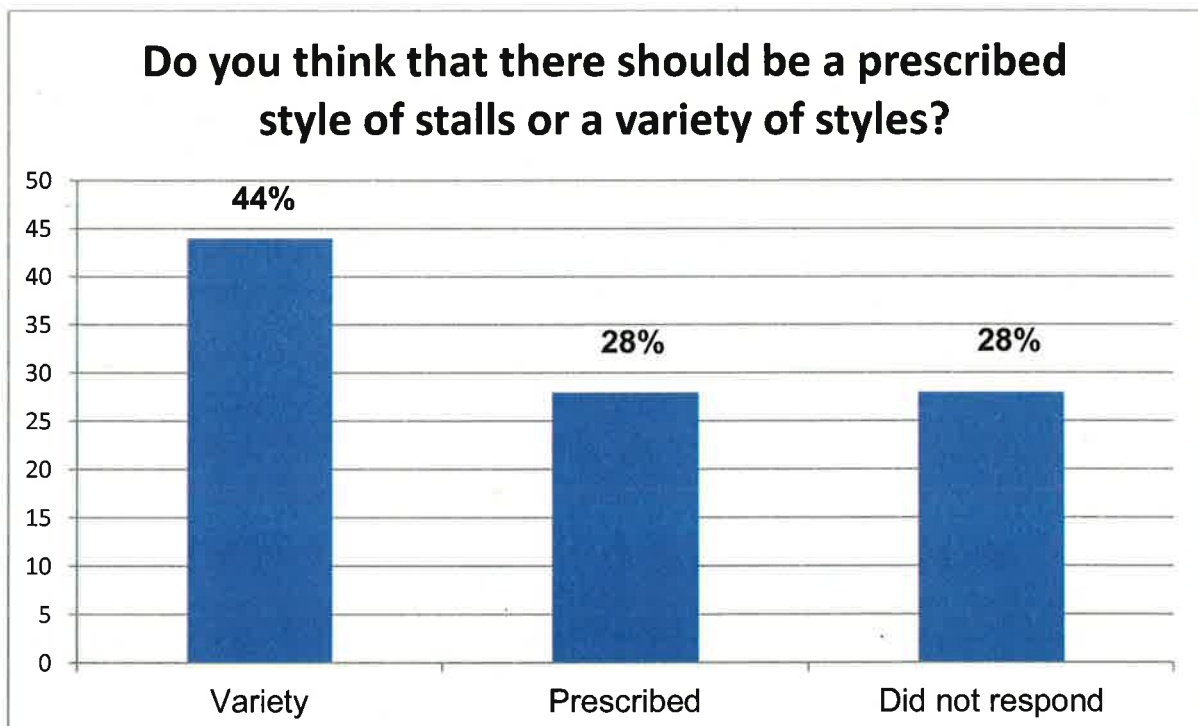
The following responses were received; where necessary, the response from the Licensing Team follows in blue:

## Question 1: Respondent (by type)



The respondents in the 'other' category were Council Officers (Including Property Services and Transportation), the Bath Business Improvement District and the Local Food Steering Group.

## Question 2: The style of stall:

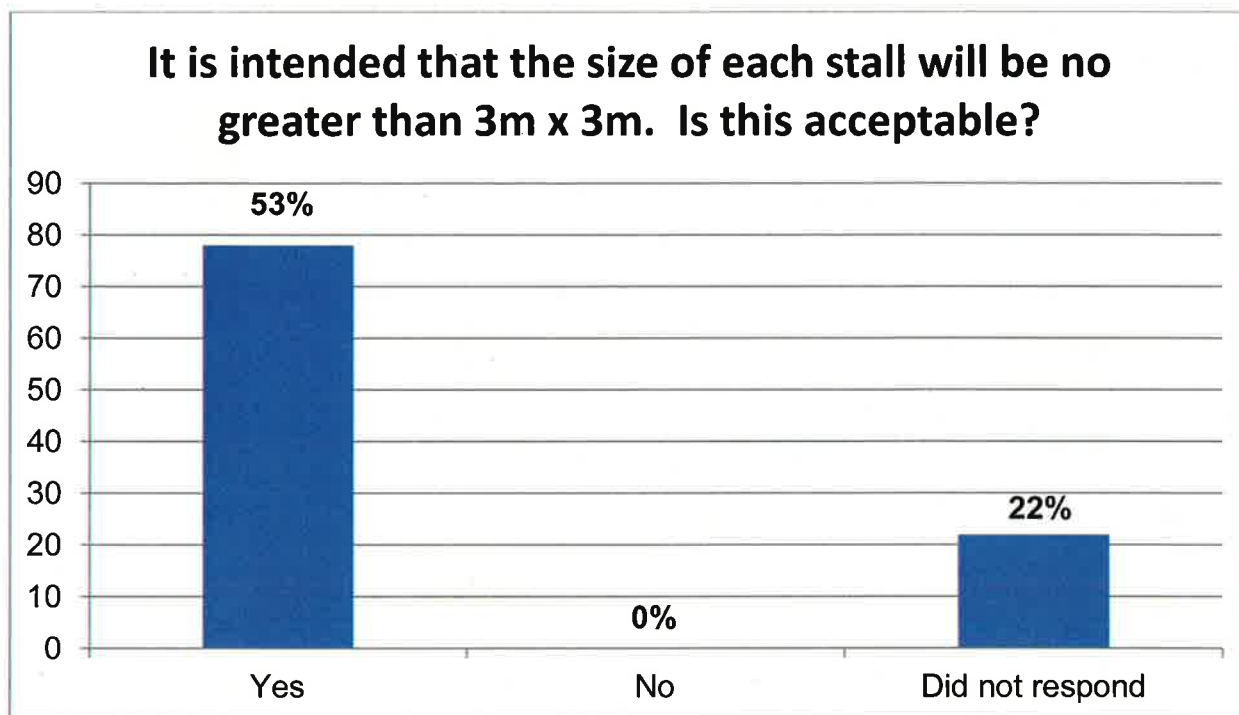


## Annex A- Street Trading Policy 2014 Consultation Responses

Response from the Licensing Team about the responses concerning stalls:

The Council is for the first time introducing the guidance about stall designs. In doing this the Council is not wishing to water down the diversity of the traders within the City but wanting to achieve an element of uniformity and consistency in the canopies.

### Question 3: The size of stalls:



### Question 4: There is an ambition to have more street markets throughout B&NES. Can you suggest any suitable locations?

*Bog island (Terrace Walk, Bath) or outside Guildhall on wide pavements; Stall Street; Abbey Churchyard and Kingston Parade; Bath Street; Closing streets and using these - High Street; Bath Southgate and Henry Street/Kingston Parade; Southgate Street; Keynsham; Midsomer Norton;*

Thank you for the comments. It is considered that space restrictions would make it challenging for there to be a street market in Bog Island (Terrace Walk). Again, a street market outside the Guildhall would be challenging due to likely obstructions to the pavement and road.

The Licensing Team do support applications for Farmers Markets and we work with organisers to ensure that they are successful. The team will consider a review of Bath City centre pitches and have discussion with Keynsham and Midsomer Norton Town Councils on street trading in these locations.

These suggestions will be forwarded to the Economic Regeneration Team so that they can be fed into the formulation of a strategy for markets in B&NES.



## Annex A- Street Trading Policy 2014 Consultation Responses

### **Please provide any other comments you have about the Street Trading Policy, Conditions and Guidance:**

The following responses were received; where necessary, the response from the Licensing Team follows in blue:

---

*"I run the Bath Leather Goods stall at the junction of Stall Street and York Street and have been trading there for a number of years. The proposals for stall design and size all seem reasonable and similar to my current stall design. There is only one point that I would like to make:*

*Street traders should be offered the option of a fixed power supply for lighting, a utility bollard or weatherproof and lockable power box could easily be fitted on the pitch site. As a craft seller I really need to light my goods all year round and especially in the winter. The power cable can be connected to the nearest street light, which in my case is only ten feet away. I would be willing to pay the costs of connection and a lighting charge could be added to my pitch fee if it meant I didn't have to run a generator every day. I accept that not all traders want a power supply but the improvement to my display would make it worth it for me. An example of the kind of power bollard that I have used in other places is here:*

<http://www.esi.info/detail.cfm/Furnitubes-International/Doric-cast-iron-major-service-bollard/ /R-32498 SE108RD>

*Many other designs for bollards or wall boxes are of course available and I would be happy to do the research and provide options if the council can arrange installation. Thank you".*

Thank you for the comments. The Council is carrying out a feasibility study into the provision of electrical power for a pilot area in Stall Street, Bath. Feedback from this pilot will be given when it is available.

---

*"Policy fine but is there a more detailed schedule of conditions and restrictions?"*

In this policy review guidance notes have been added for the first time and these are considered to be fit for purpose based upon the feedback that has been received during the consultation.

---

*"Peter Dawson Planning Policy Group Manager has asked me to respond to this consultation in light of the work I carried out on the Bath Transport Package last year.*

*During my time in the Bath Transport Package Team (BTP Team) delivering the City Centre Access restrictions forming part of the wider Bath Transportation Package, I had some close dealings with the street traders and Andy Tapper in Licensing. It became clear from our early consultation events at the Guildhall that the Street Traders were going to be our main objectors to the TRO we were trying to deliver. They had a strong representation at all consultation events and were incredibly vocal in their objections. In the end we had to concede and give them an exemption to the restriction for access purposes despite the fact that all premises based traders, delivery companies, taxi companies and Council services including Waste agreed to work around the restricted access hours. If we did not concede they would have forced a Public Inquiry into the Traffic Regulation Order Proposed. We understood the safety concerns that the traders had in carrying their equipment to the pitch locations however it was felt that equipment could be carried*

## Annex A- Street Trading Policy 2014 Consultation Responses

*in from surrounding streets safely although a little less conveniently. This was not found to be acceptable to the traders. We found it incredibly frustrating that the Street Traders were not willing to buy into the Councils vision of a vehicle free, pedestrian friendly and generally more attractive City Centre which would of course benefit their potential customers and perhaps even boost footfall past their businesses. We also found it frustrating that all other stakeholders were willing to work with us however the street traders who we (The Council) license had the power to potentially block the councils future vision for the city centre. The City Centre Access restrictions were eventually approved and are due to be implemented by the end of the summer this year. We would not be looking to remove any exemptions already agreed with the street traders. However I would request that as part of any future licensing agreements with Street Trader applicants that we should mention the Councils vision of a vehicle free city centre and state that they do not have a vehicular right of access to areas within the city centre that have current/future access restrictions proposed. I think if it is set out at an early stage then traders will be forced to adhere to it along with all other stakeholders. You could argue that it may put some off from applying in future, however I would argue that this would be highly unlikely given the known benefits to street traders being able to trade in the busiest city centre streets. We would also look at mitigating the effects to the traders by improving loading facilities in the surrounding streets.*

*I hope that you are able to take on board the comments I have raised and thank you for the opportunity given to do so.”*

Thank you for your comments.

Para 4.2 of the Policy does highlight that the Council will take Traffic Regulation Orders (TRO) into account when creating new street trading pitches.

The Guidance Notes to the Street Trading Conditions will be amended to make existing consent holders aware of current TRO's and possible future TRO's. The Council is also exploring ways to find storage facilities for street traders which would reduce the need to carry stalls/stock in and out every trading day.

---

**“Para 4.1:** *The link takes one only to the opening page of the public web site. How does one navigate after that? I did eventually find via Business/Street Trading details of the occupied and vacant sites, but those details are not a map.”*

**Para 4.1:** Yes, we will make this link specific so you can navigate to the page more quickly.

---

**“Para 5.3:** *The criteria in para 4.2 are essentially about public safety and nuisance. What about unfair competition with shops or too many stalls selling the same thing? Do you need to also refer to the overriding criteria in para 1.2? There are also criteria in para 12.”*

**Para 5.3:** The Council is subject to the EU Services Directive which is designed to ensure fair trade. Para 12.2 of the policy does state that consent will not normally be given for the sale of goods which will may conflict with goods sold by nearby shops etc. Agree that overriding criteria in Para 1.2 should also be included.

## Annex A- Street Trading Policy 2014 Consultation Responses

*“Para 6.3: What does most suitable mean? It is the nub of the Licensing Manager’s discretion, but is not defined. Do you need to refer again to the criteria in paras 4.2 and 1.2? Is there any appeal against the Manager’s choice between competing bids”.*

**Para 6.3:** The manager’s discretion is exercised having regard to the policy as a whole. Always open to hearing comments about decision, but the final decision must rest with the manager and the statute does not provide any appeal process.

---

*“Para 8: What criteria will be applied?”*

**Para 8:** Each application will be judged on its merits in accordance with the policy as a whole.

---

*“Para 9.2: Do you need to refer to para 1.2 as well?”*

**Para 9.2:** Yes, a reference to Para 1.2 will be included.

---

*“Para 10.2: It is not clear what the second sentence is implying. Does it simply mean that the sites will be where busking will not cause nuisance to local residents and businesses? That seems a bold promise, because it depends on how the busking is performed. Do you intend to apply conditions to buskers in these sites which will restrain excessive noise or amplification? If so, should you say so explicitly, rather than implicitly by cross-reference to the criteria in para 4.2 which include noise?”*

**Para 10.2:** The purpose of this policy provision is to permit the otherwise unlawful sale of goods by buskers and other street entertainers. The standard street trading conditions cover public nuisance and the Busking Code of Practice will be attached to the consent. If necessary, enforcement action will be carried out by the Environmental Protection Team using provisions of the Environmental Protection Act 1990. Agree that reference to Para 1.2 should be included.

---

*“Para 14.5: see comment on para 6.3.”*

**Para 14.5:** The manager’s discretion is exercised having regard to the policy as a whole. Always open to hearing comments about decision, but the final decision must rest with the manager and the statute does not provide any appeal process.

---

*“Para 14.7: What is a relevant offence? ‘Any other reason’ seems unlimited is our power of revocation so total? Do you mean breach of the conditions of the licence?”*

**Para 14.7:** An example of a relevant offence would be the sale of counterfeit goods. Our powers of revocation are wide and are ultimately determined by the Licensing Sub-Committee.

---

## Annex A- Street Trading Policy 2014 Consultation Responses

*“Para 15.1: What does reasonable mean? I have understood (am I wrong?) that the Council may not recover by way of street trading fees in aggregate more than its costs of administering and enforcing the street trading regime, but within that aggregate fees may vary according to the characteristics of the site. If my understanding is correct, should you say so?”*

**Para 15.1:** The Local Government (Miscellaneous Provisions) Act 1982 does allow local authorities to charge variable fees depending upon pitch locations. The Council is allowed to take account of costs including overheads and pitch locations in setting fees.

---

*“We frequently deal with noise complaint from busker's pitches. It might be useful to have some guidance on what is acceptable (e.g. noise ranges, amplification) in the policy. I'm aware that the BID have hosted and written an unofficial set of guidelines in this area, but there is no enforcement or sanction for those who exceed the guidelines.”*

Thank you for your comments.

The standard street trading conditions cover public nuisance and the Busking Code of Practice will be attached to the consent, which does provide further guidance. If necessary, enforcement action will be carried out by the Environmental Protection Team using provisions of the Environmental Protection Act 1990. Further information is provided by this team at [environmental\\_protection@bathnes.gov.uk](mailto:environmental_protection@bathnes.gov.uk)

---

**Para 13.4:** This provision makes it a requirement to register with the Food Safety Team and Para 14.8 states that the application will not normally be delayed .....unless advice of Food Safety team is required.

The H&S team would like it to be a requirement to ensure that any street traders have a valid gas safety certificate on grounds of public safety. A recent campaign with mobile food traders resulted in a prohibition notice being served on a stall holder in Southgate because of a very poor standard of gas fitting. If the Council is granting permission for street trading - we should be ensuring that we are promoting good standards of safety and hygiene.”

Thank you for your comments.

Agree. An extra provision will be included requiring all consent holders to comply with relevant H&S regulations including gas and electrical safety and Para 14.8 will also be amended to include the Health and Safety Team.

---

*“Street trading makes Bath stand apart from other cities in England by giving locals and tourists a sense of individuality and uniqueness to the city; showing locals that they have independent traders who put money back into the city and provide a small unique service to the customer which is sadly lacking in the big shopping chains! The customer can have a chat about the weather or the problems with a product they may have without having to go through big company protocol. The same applies to the tourist who is eager to meet a real local and get a sense of the English and how we live. Often the street trader is the first port of call if they are lost or need help! People need to meet people to understand the city. So my only comment would be PLEASE leave street trading to be individual each stall being different to show that bath is not just a Standard city; that*



## Annex A- Street Trading Policy 2014 Consultation Responses

*you allow it's locals to breath and show their creativity and uniqueness. This is what will make Bath stand out from the crowd! I would like to thank the Council for giving me the opportunity to sell and paint for the years I have been doing it! I love the job and would hate to see it go and change I try my very best to represent Bath and its people."*

Thank you for your comments. By introducing the guidance about stall designs the Council is not wishing to water down the diversity of the traders within the City but wanting to achieve an element of uniformity and consistency in the canopies

---

*"A good variety of shops but shop front should become less stringent to alter. The new shop front on Anthropologie has transformed the area and the ability to do this elsewhere (within reason) will show Bath is evolving and keeping up with other major cities."*

Thank you for your comments. Shop based trading is outside the scope of this policy consultation.

---

*"Some stalls have become too large and adversely affect those next to them - they dominate. Some stalls come out too far and when told to move back will do so but then slowly move out again -NOTHING is ever done about this - it really affects the stalls next to them. I suggest a line 12 feet out that we are not allowed to go over - this would be an easy method to stop encroachment. 3m x 3m is fine for some but 4m x 2.25m would be better for others i.e. mine. Parking for loading and unloading is always difficult - help and understanding of our problems would be appreciated. Stalls that create noise and crowds SHOULD NOT be put next to other stalls - it noticeably affects trade - people often cannot get to my stall and can only walk on the other side of the street - not great for business and shouting from the stall doesn't help either. This is the same for buskers who create crowds. Buskers ( who are mostly pretty good these days) are also often too loud - amplifiers turned up too loud. Generators are noisy and create fumes - a simple solution would be to provide electric points like many other towns and markets. This would make a HUGE difference for us. Approach has been made to electric companies who could do this easily and not too expensively but blocked by council who weren't prepared to look for solutions - if there is no solution there is no problem - and there IS a problem here. Also with the planned repaving it could be sorted so easily. GULLS - is anything ever going to be done about the menace - the streets are disgusting and not much fun for those who have to spend time out there!!!- the councillor who didn't realise there was a problem obviously doesn't get out much !!! Hope this is all helpful for you. ps the fees are high - note the recent high turnover of stalls -should the council be making a profit from consents (not licences)or should fees just be covering costs?"*

These comments are welcomed and will be addressed outside of the policy consultation. However for information the Local Government (Miscellaneous Provisions) Act 1982 does allow local authorities to charge variable fees depending upon pitch locations. The Council is allowed to take account of costs including overheads and pitch locations in setting fees.

In addition the Council is carrying out a feasibility study into the provision of electrical power for a pilot area in Stall Street, Bath. Feedback from this pilot will be given when it is available.

# Annex A- Street Trading Policy 2014 Consultation Responses

*“The key issue is that the Council is prescriptive about the location of the pitches and acceptable trading uses to ensure that there is a relationship between the street trading activity and the adjacent retail units.”*

Para 12.3 and Para 1.2 confirms that the types of goods being sold are considered on a pitch by pitch basis and that the inter-relationship with shop-based trading is also taken into account.

---

“This joint response to the street trading policy represents the views of members of the B&NES Local Food Steering Group and Public Health Representatives:

## **Public Health Representatives:**

- Bruce Laurence: Director of Public Health
- Paul Scott: Assistant Director of Health Improvement
- Judy Allies: Director of Public Health Award Coordinator
- Jo Lewitt: Commissioning and Development Manager

## **Local Food Steering Group:**

- Jane Wildblood: Corporate Sustainability Manager
- Denice Burton: Assistant Director of Health Improvement
- Sophie Kirk: Corporate Sustainability Officer (Food)
- Jameelah Ingram: Public Health Development and Commissioning Manager
- Mark Minkley: Green Infrastructure Manager
- Graham Evans: Horticultural Manager
- Virginia Williamson: Transition Bath Food Group Convenor
- Lorinda Trebaczyk: Waste Campaigns Officer

## **Introduction:**

Food retail including street trade affects the provision of, and access to, healthy and unhealthy food in our district and can influence peoples’ dietary decisions. This joint-response recommends that guidance is incorporated into the street trading policy to encourage the provision of healthy food by street vendors.

Addressing diet-related ill health and increasing access to healthy food are key priorities outlined in the respective Joint Health and Wellbeing strategy and the draft B&NES Local Food strategy. We recommend that the street trading policy aligns with the above strategies by introducing guidance that encourages the provision of healthy food to support people to make healthy dietary choices. We recommend that the following guidance is incorporated into the street trading policy:

# Annex A- Street Trading Policy 2014 Consultation Responses

## Section 12: Nature of goods and trading hours:

Incorporate guidance that encourages the provision of healthy food choices in permit to trade.

Example wording: "The Council is committed to promoting healthy eating and consideration will be given to the type and quality of food sold. In the case of stalls selling hot food at least one healthy meal option should be provided."

## Section 12.3: Nature of Goods and trading hours:

Amend the wording of this section:

Example wording: "Goods will normally consist of craftwork, fresh flowers, fresh fruit and vegetables, local produce, ice cream or soft drinks."

These comments are welcomed and we have amended our policy to reflect some of these recommendations.

## "Other recommendations:

Insert another box into the Street Trading Pitch Request Form below "Please enter the types of goods you wish to sell" asking "If food items, which healthy options will you be providing?"

<https://www.bathnes.gov.uk/form/street-trading-pitches>

The Council can ask if an applicant will be providing healthy options but this should not prejudice the application if healthy options cannot be provided due to the nature of the products being sold.

- Include wording around the role of markets and/or street trade in promoting healthy eating and providing local food
- Include wording around the role of markets in promoting environmental sustainability such as local food and low food packaging

## Further information:

Further guidance on healthy street food vending can be found on the "Healthy Places" website, and interesting examples of related work by Guildford Borough Council and Islington Council can be found at the following web links:

<http://www.healthyplaces.org.uk/case-studies/?entryid38=1206>

[http://www.islington.gov.uk/publicrecords/library/Economic-development/Business-planning/Strategies/2010-2011/\(2010-07-06\)-Street-Trading-Strategy-2008-to-2012.pdf](http://www.islington.gov.uk/publicrecords/library/Economic-development/Business-planning/Strategies/2010-2011/(2010-07-06)-Street-Trading-Strategy-2008-to-2012.pdf)

These comments are welcomed and we have amended our policy to reflect some of the recommendations.

---

*"I would like to see continued support for the Farmers' Markets in Keynsham and Midsomer Norton.*

*I believe there is an opportunity for a weekly Farmers type produce market in the city centre, probably Southgate Street. As regards the street trading pitches I believe a review of locations in*

## Annex A- Street Trading Policy 2014 Consultation Responses

*Bath city centre might be useful. Also a discussion with Keynsham and Midsomer Norton Town Councils about street trading pitches in those locations.”*

Thank you for your comments.

The Licensing Team do support applications for Farmers Markets and we work with organisers to ensure that they are successful. The team will consider a review of Bath city centre pitches and have discussion with Keynsham & MSN Town Councils on street trading in these locations.

---

*“Any new traders should complement the retail offer of the local shops & street traders.*

*If the council is going to provide the stall holders with a uniform canopy both trader and council should make provision for the replacement or refurbishment of the street trader’s canopies every 5 years. This will ensure that standards are maintained over the long term.”*

Thank you for your comments.

This is agreed. The implementation of replacement units will be phased in over a number of years and it is hoped to introduce a rolling programme to maintain standards.

---

*“Thank you for inviting Paul and myself to yesterday’s workshop. I thought this was well run and stimulated a positive discussion.*

### *1. Strategy on Street Trading*

*There was a feeling that the workshop mainly focussed the practical aspects of licensing and street trading without asking the question ‘What do we want Street Trading to look like?’ “*

Thank you for your comments.

Street Trading has evolved over many years and the task of re-siting all of the existing pitches would prove to be extremely difficult and subject to likely challenge from the street trading community. However the Council recognises the point being made about the street trading offer and will endeavour to consider this when allocating pitches, bearing in mind this is very much driven by the application process and legislation.

---

*“The discussion did linger a lot on page 5 section 13. (look of the stalls).”*

The Council recognises that this is an important issue and this review is an opportunity to get the right balance between uniformity and variety of design for our street trading stalls.

---



## Annex A- Street Trading Policy 2014 Consultation Responses

---

*“As previously cited in the document 2010 written by Sarah Mansfield and myself; we feel that your review of street trading is a great opportunity to address some of the more strategic questions about how our retail offer should look and feel to the consumer, and how street trading can serve to complement and enhance this. This was a view expressed at both the BID Board and the Property Landlords forum.”*

As previously stated the Council recognises the importance of the street trading offer and working with the retail sector. We endeavour to support this within the restrictions imposed by the EU Services Directive and the applications which we receive.

---

*“The business community is very supportive of street trading and we must eliminate any previous niggles about small vs. large or chain vs. independent, but instead concentrate our efforts of using street trading and markets to grow and support our retail economy in a collaborative way for mutual benefit. Retailers and businesses wish to see a vibrant, aesthetically pleasing and well-managed street trading offer.”*

Yes, agreed.

---

*“At present Street Trading is seen as a function of licensing. The management of street trading from a retail perspective is left alone and this has a detrimental impact on our retail offering, and it reflects badly on the World Heritage Status. This has been supported with pictures of pallets and roll containers sprawled in the street, badly spelt signs and a poor presentation of product.”*

The legislation governing street trading does not allow for the Council to consider the management of the retail offer within this policy. However, we welcome discussions on how the BID and the Council can work in partnership to support street traders in terms of business advice in the future. The situation described has much improved since the photographs were taken.

---

*“Licenses are granted on a reactive basis rather than considering the retail mix and proactively seeking to fill the gaps in our retail offer.”*

Inevitably the allocation of pitches are driven by the applications received however the Council endeavours to consider the retail offer for the city within the restrictions of the legislation.

---

*“Para 4.2 The council reacts to request for pitches rather than stating where and how we want the street trading to look. In a recent application, a coffee vendor asked to be located outside M&S at the top of St Lawrence St. Because of the reactive nature of the policy, the council and retailers had to go through a process of objecting to this proposal. This costs valuable time and waste money for the council. Instead the policy should be stating how the pitches are located and the preference for type of retail use (as a landlord would do) This would then reduce bureaucracy and improve the retail offer.”*

The Council cannot refuse to accept an application for a street trading pitch and cannot state a preference for a type of retail use in a particular location given it does not own the highway. Quite rightly there is a democratic process on the allocation of pitches so that everyone has an opportunity to express a view.

## Annex A- Street Trading Policy 2014 Consultation Responses

*"In the presentation yesterday, I mentioned Kingston-upon-Thames. The council in Kingston works in partnership with the BID to unlock funding and transfers council services for mutual benefit in enhancing their markets/street trading. This is something worth exploring."*

This will be considered.

*"The Bath BID would like the opportunity to discuss with you formally, as part of this review, how we can use BID funding and agree a way of 'protecting the council income on Street trading' but also enhancing offer through 'better Retail Management and working together'."*

This is outside the scope of this policy consultation however the Council welcomes having the discussion.

---

*"Is there an arrangement that meets the statutory function while at the same time addresses the retail and management issues? I believe there is and there is a feeling that commercial opportunities are being missed along with an opportunity to be more ambitious. We would like to explore this. This was welcomed by you and your colleagues at yesterday's meeting."*

Discussions would be welcomed on this point.

---

*"At present Street Trading is seen as a function of licensing. The management of street trading from a retail perspective is left alone and this has a detrimental impact on our retail offering, and it reflects badly on the World Heritage Status. This has been supported with pictures of pallets and roll containers sprawled in the street, badly spelt signs and a poor presentation of product."*

The legislation governing street trading does not allow for the Council to consider the management of the retail offer within this policy. However, we welcome discussions on how the BID and the Council can work in partnership to support street traders in terms of business advice in the future. The situation described has much improved since the photographs were taken.

---

*"Licenses are granted on a reactive basis rather than considering the retail mix and proactively seeking to fill the gaps in our retail offer."*

Inevitably the allocation of pitches is driven by the applications received however the Council endeavours to consider the retail offer for the city within the restrictions of the legislation.

---

*Para 4.2 The council reacts to request for pitches rather than stating where and how we want the street trading to look. In a recent application, a coffee vendor asked to be located outside M&S at the top of St Lawrence St. Because of the reactive nature of the policy, the council and retailers had to go through a process of objecting to this proposal. This costs valuable time and waste money for the council. Instead the policy should be stating how the pitches are located and the preference for type of retail use (as a landlord would do). This would then reduce bureaucracy and improve the retail offer."*

The Council cannot refuse to accept an application for a street trading pitch and cannot state a preference for a type of retail use in a particular location given it does not own the highway. Quite rightly there is a democratic process on the allocation of pitches so that everyone has an opportunity to express a view.

## Annex A- Street Trading Policy 2014 Consultation Responses

*"In the presentation yesterday, I mentioned Kingston-upon-Thames. The council in Kingston works in partnership with the BID to unlock funding and transfers council services for mutual benefit in enhancing their markets/street trading. This is something worth exploring."*

This will be considered.

---

*The Bath BID would like the opportunity to discuss with you formally, as part of this review, how we can use BID funding and agree a way of 'protecting the council income on Street trading' but also enhancing offer through 'better Retail Management and working together'.*

This is outside the scope of this policy consultation however the Council welcomes having the discussion.

---

*"Is there an arrangement that meets the statutory function while at the same time addresses the retail and management issues? I believe there is and there is a feeling that commercial opportunities are being missed along with an opportunity to be more ambitious. We would like to explore this. This was welcomed by you and your colleagues at yesterday's meeting."*

Discussions would be welcomed on this point.

---

### *"2. Strategy on Markets*

*It was not clear yesterday what is the strategy for markets. The only reference is section 9 stating that the council activity supports the provision of temporary street markets. We again would be keen to discuss this with you."*

A strategy regarding markets in B&NES is being progressed outside of the policy consultation.

---

### *"3. Practical Considerations*

*Many of the practical considerations and solutions are listed in my email of 26th February 2014. (below) and were discussed at length yesterday. Tethering, light, power, design of carts, storage, etc."*

These issues are being addressed outside of the policy consultation.

---

*"The solution about the council buying capital equipment and renting back – I could not find the detail on this. The purchase of capital equipment for street traders has always been a stumbling block to improvement. We are keen to work with the council and find joint solutions as per point 1. May be this could be speeded up before 2017 if we can work in partnership?"*

The use of capital funding for procuring stalls is not considered to be a stumbling block and it is anticipated that all the new stalls will be in place well in time for 1 January 2017.

---

### *"4. Other aspects of the Policy*

*\*How will the policy address pedlars? Other than section 3.1, Page 2"*

Pedlars are not within the scope of this policy and any pedlar trading illegally will be subject to the appropriate enforcement action.

## Annex A- Street Trading Policy 2014 Consultation Responses

*"Para 10 on buskers, Page 4, is a welcome step to manage buskers and formally get them to agree the code of conduct."*

The purpose of this policy provision is to permit the otherwise unlawful sale of goods by buskers and other street entertainers. The standard street trading conditions cover public nuisance and the Busking Code of Practice will be attached to the consent.

---

*"\*Para13.2 Many felt that opportunities for a wider discussion about the role of street trading have passed as a date of 1st Jan 2017 has been set."*

This date is considered to give a reasonable time period for compliance. Feedback from the consultation does not indicate that this date is a problem for the street trading community.

---

*"\*Para11.3 The BID has the license for this area (Kingston Parade)and it continues to be listed on your web site – thank you."*

*\*The policy does not consider opportunities for incubation, new businesses start up help and business support – this is an important economic aspect."*

The Council recognises the importance of street trading in assisting start-up businesses and welcomes discussion on how to provide business/marketing support in partnership with the BID in the future.

---

### *"5. Communication*

*I would echo the comments made about communication on the ground and how this has improved. Credit goes to Andy Tapper for being available, on hand and a willing to engage and respond. Thank you.*

*To reiterate we welcome the invitation from Cllr. Dixon and yourself to meet and discuss this further. I hope this is helpful and supportive to the overall process."*

Thank you for this comment.

---

*I lead a team of 4 valuers in the commercial estates team, looking after approximately 70% of the retail property here in Bath which generates significant income for the Council.*

*I think what Andrew Cooper said at the recent meeting is very relevant. A whole approach should be taken to the issue taking into account retailers, street traders and markets.*

The Council recognises the importance of the street trading offer and working with the retail sector. We endeavour to support this within the restrictions imposed by the EU Services Directive with the applications we receive.



## Annex A- Street Trading Policy 2014 Consultation Responses

*“No market or street trader should be in competition with existing retailers in the street. Any licensing should be appropriate for the street. As an example last year, someone wanted to operate a Milk Bar directly outside Jolly's in Milsom Street - this was totally inappropriate for such a flagship store.”*

See above comment. In the example given the application was not progressed.

---

*“Obviously our retailers pay significant rents and rates to the council and it can be quite irksome when a stall trader pitches up not paying anything like these sorts of sums.”*

Clearly the fees for street trading are not the same as for retail lets. However the street traders do not receive the same benefits as retail lets. For example, street trading pitches are subject to the unpredictable factors such as bad weather which has a detrimental impact on their day to day trading ability.

*“We have actually had quite a lot of negative comments from our retail tenants when it comes to the Christmas market. It may generate revenues for the stall holders, but quite a few of our tenants say it hits their takings during this period, people should be encouraged to visit the rest of Bath; not just the market. In fact, quite a few of our retailers now take stalls in the market to combat this. This trend is definitely increasing.”*

The provision of a street trading permit for the Christmas Market is subject to a democratic process each year and if retailers have issues, this is the time to voice their opinions so that they can be properly taken into account.

*“Stalls and traders should not be allowed to pitch in front of existing retail windows and doors, blocking their legitimate displays and entrances.”*

Care is taken to ensure that stalls do not pitch directly in front of existing windows and doors of retail premises.

---

*“Specifically on the Policy:-*

*Para 5.3: whilst referring to 4.2, should also refer to 1.2 as well. Agreed*

*Para 9.2: should refer to section 1 as well, as should 10.2 Agreed*

*We agree with 12.2. & 12.3.*



# Annex B-Proposed Street Trading Policy

---

## 1 Purpose

- 1.1 Bath and North East Somerset Council understands that street trading is important to both the local environment and local economy. Street trading can provide vibrancy and interest to the local environment and an opportunity for small businesses to establish themselves and grow.
- 1.2 The Council's vision for Bath and North East Somerset is to create a street trading environment which:
  - complements premises-based trading
  - is sensitive to the needs of residents
  - ensures that public spaces become active spaces
  - provides diversity and consumer choice;
  - seeks to enhance the character, ambience and safety of local environments
  - promotes healthy eating
  - provides local food

## 2 What is Street Trading?

- 2.1 Street trading means 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 has access without payment.
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'Consent Streets' for street trading purposes.
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.
- 2.4 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.
- 2.5 **Specific sites for buskers will be established in the centre of Bath. Only these sites can be used by performers who also want to sell items connected with their performance e.g. CDs. This will change to:**  
  
**Street trading consents for buskers wishing to sell items associated with their performance (e.g. CD's) will be established**
- 2.6 Consents may be issued to mobile vendors such as Ice Cream Traders to operate in specific locations outside of the central area of Bath.

## 3 Exemptions from the need to obtain a Consent

3.1 The Local Government (Miscellaneous Provisions) Act 1982 states that the following are exempt from the need to obtain Street Trading Consent:

- trading by a person acting as a pedlar under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- 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 virtue of an enactment or order
- trading in a trunk road picnic area
- trading as a news vendor
- conducting a public charitable collection
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station, and
- trade carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop

## 4 Pitch assessment

4.1 The Council will maintain a map showing the location of street trading pitches. This map is available on the Council's web site at [www.bathnes.gov.uk/services/business/street-trading](http://www.bathnes.gov.uk/services/business/street-trading)

4.2 The Council may from time to time identify new pitches for street trading and will consider applications for new pitches. In determining whether to create a street trading pitch the Council will have regard to:

- an overriding public interest
- any effect on road safety, either arising from the siting of the pitch, or 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
- any obstruction to the safe passage of pedestrians; and
- the safe access and egress of customers and staff from the pitch and immediate vicinity
- any land owners permission which may be required from a private land owner or a relevant Council service e.g. Environmental Services (Open Spaces), Commercial Estates or Economic Regeneration

## 5 Application Process for a New Pitch

5.1 Before new pitches are created the Council will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite
- existing holders of street trading consents in the immediate area
- relevant ward councillors
- relevant parish or town councils
- Avon & Somerset Constabulary



- relevant Council Services including Development Control, Highways, Property Services, Environmental Services (Open Spaces), Commercial Estates, Trading Standards and Food Safety
- a relevant land owner
- any other stakeholder considered by the Council's Licensing Team to be relevant to the application

5.2 In addition to the above, public notices will be placed in a clearly visible location at the site of the proposed new pitch.

5.3 **The Council will consider any responses received in relation to public notices and any objection from consultees will be assessed against the criteria in paras 1.2, 4.2 and Section 12 and may be referred to the appropriate Licensing Sub-Committee for determination.**

5.4 Any proposed change to conditions attached to a consent will be in consultation with consent holders and others, as specified in 5.1 above, if relevant.

## **6 Application Process for an Existing Pitch**

6.1 When an existing or new pitch becomes available, the Council will publish details of the vacancy, inviting applications for the pitch. The details will be published on the Council's website.

6.2 Applications will be determined by the Licensing Manager. If no suitable application is received then the pitch will be re-advertised.

6.3 In situations where there are competing applications then the Licensing Manager will decide the most appropriate applicant in consultation with the Service Manager. The pitch will be offered to the applicant whose proposal is considered the most suitable for the particular location.

## **7 Mobile Street Artists**

7.1 Mobile street artist consents may be issued to persons who sketch or paint and sell their own work and move from location to location.

7.2 Applicants for mobile street artist consents must give a minimum notice period of 48 hours to the Licensing Team in relation to their application.

## **8 Mobile Traders**

8.1 Any mobile trader e.g. ice cream vans, will require a street trading consent.

8.2 Before issuing a consent the Council will consult with relevant bodies, as specified in section 5.1, and will require details of the daily routes and times of the rounds.

## **9 Street Markets**

9.1 The Council actively supports the provision of temporary street markets within the district and special consideration will be given to markets which are considered beneficial to the local area.

9.2 Applications for temporary street markets will be considered using the same criteria set out in **Para 1.2** and in sections 4 and 5 of this policy.

## 10 Pitches for Buskers

10.1 **The Council will issue Street Trading consents for use by buskers who wish to sell items associated with their performance (e.g. CD's).**

10.2 Applications for pitches for buskers will be considered using the same criteria set out in **Para 1.2** and sections 4 and 5 of this policy.

## 11 Pitches for Charitable Street Trading

11.1 The Council issues permits to enable charitable street trading. Charitable street trading must not be undertaken in any street or public place unless the Promoter has obtained a consent from the Council. The only exception to this is where the collection is exempt under schedule 4 of the 1982 Act (see section 3)

11.2 In relation to charitable street trading, the Council has a designated street trading pitch for this purpose at Kingston Parade, Bath. This pitch will be available to registered charities, or organisations demonstrating that they are a 'not-for-profit' organisation. Use of this pitch will be subject to the Council's standard street trading conditions.

11.3 The charity or organisation must obtain permission from the Principal Consent Holder responsible for the pitch at Kingston Parade whose details can be obtained from the Licensing Department.

## 12 Nature of Goods and Trading Hours

12.1 The nature of goods which may be sold from any pitch and the trading hours will be specified in the consultation process. Any subsequent application for a change in the nature or type of goods sold or the trading hours will require a further application and will be subject to the level of consultation as set out in section 5.1 above.

12.2 The Council will not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops or nearby street trading pitches.

12.3 Goods will normally consist of craftwork, fresh flowers, **fresh fruit and vegetables**, ice cream or soft drinks. Other types of goods, including services, will be considered on a pitch by pitch basis and have particular regard to local needs, product diversity and balanced with other retailers in the immediate vicinity.

12.4 Street trading hours will normally mirror those of shops in the immediate vicinity. Extended trading hours will be determined on a pitch by pitch basis.

12.5 In the case of stalls selling hot food trading hours will be determined on a pitch by pitch basis.

12.6 Late night food traders operating after 11:00 pm will be subject to the requirements of the Licensing Act 2003 regarding the need for a Premises Licence. Greater consideration will

be given to the impact on the night time environment and the possibility of crime and disorder on the streets as a result of the granting of a street trading consent.

## **13 Design and Appearance of Stall, Barrow, Van, Cart etc.**

- 13.1 The design and appearance of the stall, barrow, van or cart etc. to be used must be agreed by the Council.
- 13.2 The Council has a preferred set of standards of design and appearance that they wish to achieve for all street trading pitches based in the central area of Bath.
- All new applicants will be required to use an approved design unless a suitable alternative is agreed
  - All existing Consent Holders will be required to change to an approved design by 1st January 2017, or upgrade the whole or parts of their units, as appropriate
- 13.3 The condition of all pitches will be monitored regularly to ensure that the required standards are maintained.
- 13.4 All consent Holders trading in food products are required to be registered and inspected by the Council's Food Safety Team. Contact details of the Food Safety team can be found on the Council's website.
- 13.5 All consent Holders are required to comply with relevant health and safety regulations including those relating to electrical and gas safety.

## **14 Issue of Street Trading Consents**

- 14.1 An application for a street trading consent or the renewal of such a consent shall be made, in writing, to the Council. Applications can be e-mailed to the Council at: [licensing@bathnes.gov.uk](mailto:licensing@bathnes.gov.uk).
- 14.2 Consents will not normally be issued for a period of less than six days per week, unless the applicant can provide an alternative scheme acceptable to the Council.
- 14.3 Where a consent has expired the pitch will become subject to paragraphs 14.4 and 14.5 below.
- 14.4 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch on its website.
- 14.5 Applications for an existing pitch will be determined by the Licensing Manager or other authority delegated by the Council. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received then the pitch will be re-advertised.
- 14.6 A consent cannot be issued to a person under 17 years of age.
- 14.7 An application for an existing pitch may be refused or revoked if the applicant is found to be unsuitable to hold the consent by reason of having been convicted of a relevant offence, or for any other reason.

14.8 The issue of a street trading consent will not normally be delayed where other approvals, permits, licences are required by other departments or statutes except in the case where advice is required from the Council's Food Safety and Health and Safety teams.

## **15 Fee Structure**

15.1 The Council may charge such fees as it considers reasonable having regard to pitch location, the size of the Pitch, trading days, hours and the description of goods offered for sale.

15.2 The fees will be reviewed and set on an annual basis and any variation advertised by notice in a local newspaper.

15.3 Fees for consents must be paid in full in advance:

- in the case of Direct Debits, on a monthly basis
- all other methods, three months in advance

15.4 Failure to maintain payments as above may result in the consent not being renewed. Where a payment is not made by the due date the Council may charge an administration fee as determined by the Licensing Manager. This will include cheques or Direct Debit requests that are not honoured.

15.5 The Council cannot guarantee that pitches will be available every day and accepts no liability for the loss of earnings in relation to street trading consent holders or their employees.

15.6 In the event of roadworks, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Licensing Manager will consider appropriate refunds on a case by case basis, provided a written request has been made by the consent holder.

## **16 Street Trading Consents for which fees are not payable**

16.1 The Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people); and
- sale of articles by householders on land contiguous with their homes

## **17 Conditions and Enforcement**

17.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

17.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

17.3 Failure to comply with conditions may lead to revocation or non-renewal of a consent.

17.4 Persons trading without a consent and who are not exempt (see 3 above for examples) will be the subject of enforcement action in accordance with the Council's Enforcement Policy. Copies of the Enforcement Policy can be obtained from the Council's Licensing team or website.

17.5 The consent Holder is required to obtain and maintain their own Public Liability Insurance to a minimum of £5m. This will be required to be produced for inspection before any consent is issued and on demand when requested by an officer of the Council.

## **18 Equality**

18.1 The Council is committed to equality of opportunity and believes that the diversity of the community is a major strength which contributes to the social and economic prosperity of the area.

18.2 The Council commits to ensure that no resident of, or visitor to, the area or other person associated with the Council is treated inequitably or in an unlawful or unjustifiably discriminatory manner.

18.3 The Council will take positive steps to stop any unfair/unlawful discrimination, and will carry out positive action where discrimination is found.

## **19 General**

19.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

19.2 This policy will complement and inform other Council initiatives including those on street markets and the public realm.

19.3 This policy will be the subject of periodic monitoring and review.

19.4 This policy will inform the detailed conditions attached to every street trading consent.

19.5 This policy will be applied in a manner which is consistent with the Council's equalities policies.



# Annex B-Street Trading Standard Conditions

---

## Standard Conditions (attached to each Street Trading Consent)

1. The holder of this Consent (which expression where appropriate includes joint holders of this Consent) and any person employed to assist on the Pitch shall produce the Consent on demand when so required by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
2. The holder shall return this Consent to the Council immediately on revocation or surrender of the Consent.
3. The holder shall not trade otherwise than strictly in accordance with this Consent.
4. The holder shall notify the Council's Licensing Team at Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG immediately of any convictions or cautions obtained by the holder of this Consent.
5. The holder shall not cause any obstruction of the street or danger to persons using it and shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance or annoyance or danger to any persons lawfully using the street and shall not park any such van etc. on the footway or verge of the street.
6. The holder shall not use or suffer or permit any music playing, music re-producing or sound amplification apparatus or any musical instruments radio or television receiving sets whilst trading under this Consent, save as varied by a special condition of this Consent **or in relation to Consents relating to buskers.**
7. The holder shall not place on the street or affix to any equipment placed on the street any advertising material of any description whatsoever except with the consent, in writing, of the Council's Licensing Manager.
8. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or place or fix any equipment of any description in the said surface.
9. The holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
10. The holder shall not place on the street any furniture or equipment other than as permitted by the Consent and they must maintain the same in a clean and tidy condition and not place them so as to cause any obstruction.
11. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, **statutory or common-law** nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
12. The holder shall not assign underlet or part with his interest or possession under this Consent or any part thereof but they may surrender it at any time.



13. The holder shall observe and comply with any directions in relation to the use of the street given by any duly authorised officer of the Council.
14. The holder shall keep the trading position and the immediately adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
15. The holder shall provide at their own cost and expense litter bins or similar receptacles for the deposit of cartons, wrappings, containers and similar discarded items and remove them and their contents at the end of each daily period of use under this Consent.
16. The holder shall retain with any van, cart, barrow, other vehicle or stall included within this Consent any water used or waste produced until the end of each daily period of use under this Consent and then remove it and dispose of it elsewhere, and in particular shall not deposit any such waste near or into any street drain or channel.
17. The holder shall indemnify and save harmless the Council and their agents, servants and workmen from and against all proceedings damages claims or expenses in respect of an injury (including personal injury) which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this Consent.
18. The Consent Holder shall arrange their own Public Liability Insurance for a minimum value of £5M.
19. This 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.
20. The Consent holder or any person employed by them to assist them on the Pitch shall at all times wear the identification badge issued by the Council whilst trading from the pitch. The badge shall be worn in a conspicuous position on the upper body.
21. The holder shall return the identification badge(s) to the Council immediately on revocation or surrender of the Consent.

## 22. Street Trading Fees

All street trading fees are due in advance:

- i. Where fees are paid by cash or cheque then they need to be paid before the 1 January, 1 April, 1 July and 1 October each year unless;
- ii. The Consent Holder has in place arrangements to pay the street trading fee by monthly Direct Debit installment whereas the Consent will be renewed on an annual basis commencing on 1 April.
- iii. Failure to maintain Direct Debit payment as above may result in the consent being revoked or not renewed.
- iv. Where the payment fails to be made by the due date the Council may charge an administration fee as determined by the Licensing Manager.



## Notes:

1. Street trading in a consent street without a Street Trading Consent, or from a van, cart etc., not specifically permitted by Consent, or contravening certain conditions attached to a Consent, amounts to an offence for which proceedings may be instituted.
2. A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order **unless an exemption has been specifically approved**. In case of doubt about the effect of any such Order, enquire at Licensing Services, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG. **Any abuse of a specifically approved exemption may lead to the privilege being withdrawn for all traders.**
3. The Local Government (Miscellaneous Provisions) Act 1982 provides as follows:

### Schedule 4, paragraph 10

1. A person who:
  - b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
  - d) being authorised by a street trading consent to trade in a consent street, trades in that street:
    - i) from a stationary van, cart, barrow or other vehicle; or
    - ii) from a portable stall,without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
  - e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
2. It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that they took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
3. Any person who, in connection with an application for a street trading consent, makes a false statement which they know to be false in any material respect, or which they do not believe to be true, shall be guilty of an offence.
4. A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine.



## **Annex B-Guidance Notes for Street Trading Stalls in Bath and North East Somerset**

These guidance notes should be read in conjunction with the Council's Street Trading Policy and Standard Conditions.

The aim of these guidance notes is to provide help to stall holders on what type of stall they should provide and the quality and design of the stall that the Council expects.

Primarily any stall should be visually appealing, be so constructed that it does not present a danger to the public or people working on the stall, it should not create an obstruction of the highway allowing the free flow of pedestrian traffic and it should not cause a nuisance or annoyance to the public or to local residents and businesses.

The Council accept that there is no one design which will be suitable for all locations or for all uses, so these notes are a general guidance and for further detail any stall holder, or potential stall holder, should contact the Council's Licensing Team first of all.

### **General Stall Design**

In general stalls should be of a portable ridged frame market umbrella system, they should be of robust construction, should be able to withstand all weathers, should not present any health and safety risk to the public or people working on the stall and should be suitable for the purpose that it is intended for whether it is a stall selling craft goods or a stall selling hot food.

- Stalls should be appropriate for the area that they are situated and should allow a thoroughfare of at least 2 metres for the free movement of the public. The 2 metre rule may be increased where there is particular heavy footfall or there are obstructions such as bus stops, bicycle stands, or benches.
- As a general rule no stall should cover an area larger than 9.0 square metres e.g. 3.0m x 3.0m. Stalls can only be larger than this if agreed by the Council and in some circumstances additional fees may be required for stalls which are larger than the 9.0 square metres.
- Stalls should have a suitable canopy which is designed for everyday use, is robust, adequately covers the stall and provides some protection to the customer.
- Ancillary equipment and stock must be kept within the footprint of the pitch.
- Trading from vehicles or caravans on paved areas will not normally be permitted due to the damage that may be caused to the paving.
- The use of loudspeakers will not normally be allowed due to potential noise nuisance to local residents and businesses.
- The stall holder will be required to provide their own power supply. Where a generator is used then sufficient precautions should be taken to prevent any possible nuisance from noise or spillage of fuel.
- Canopies and awnings must be secured to the support structures neatly and securely, with adequate tension and no sharp projections.
- Street trading consent holders wishing to advertise on or from their stall must, prior to any advertisements being displayed, seek written permission from the Council's Licensing team.
- The use of advertising A-boards will not be allowed.

## Stalls in the Central shopping area of Bath

The Council have carried out a trial of what it considers to be suitable stalls for the central shopping area of Bath. The trial consisted of three stalls at the top of Southgate Street and considered visual amenity and practicality of the stalls. The design of the stalls also took into account the importance of the central shopping area and the world heritage status of the city.

Following the success of the trial it has now been decided to expand this design to the rest of the central shopping area of Bath.

Canopies and awnings which are a pastel coloured are preferred. Examples of the preferred style are given below.



The main central shopping area consists of the central spine of Milsom Street down through Union Street, Stall Street and Southgate Street. It will also include other popular areas in the centre such as Kingsmead Square, Sawclose and Terrace Walk.



## Stalls outside the central shopping area of Bath

Stalls should comply with the general stall design principles however, although the Council will not require the same standards as for the centre of Bath, the stall will still need to be in keeping with its immediate surroundings.

## Street Markets

Applications for temporary street markets will be taken on a case by case basis and the general stall design principles will still apply. Details of the number of stalls, the area to be used, the design of each type of stall, what each stall will be selling and the number of trading days and days taken to erect and dismantle the stalls will be required.

In certain circumstances planning consent may be required for street markets, for further information on whether or not this applies then the Council's Development Control team should be contacted.

### **Buskers Pitches**

The Council have set up specific pitches for people who busk to sell items associated with their performance. These pitches will be in predetermined locations in the city centre. Items to be sold from the pitch must be relevant to the performance.

### **Mobile Stalls**

These are the stalls such as ice cream vendors but do not include rounds men, which are exempt from the street trading legislation.

People intending to use a mobile stall should submit details of the vehicle or stall they intend to use, the items they intend to sell and details of the daily routes they intend to use.



# Annex C- Existing Street Trading Policy

## 1 Purpose

- 1.1 Bath & North East Somerset Council's (the Council) street trading policy is to create a street trading environment which complements 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.

## 2 What is Street Trading?

- 2.1 Street trading means 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.*
- 2.2 The Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes.
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a Street Trading Consent from the Council.
- 2.4 The Council may also require Street Trading Consents for traders who operate in Council car parks, riverside walks and other similar areas where the public have access without payment.
- 2.5 The Council requires the organiser of any car boot sale or similar event on private land where the public have access without payment, to obtain a Street Trading Consent. The Council must be satisfied that the approval of the land owner has been obtained, and that the local police have no objections.
- 2.6 The Environmental Monitoring and Licensing Manager may consider issuing Street Trading Consents to organisers of events such as the Christmas Market, Farmers Markets, Street Markets, car boot sales etc. The organiser will thereby become a Principal Consent Holder which will allow them to be responsible for numerous traders operating in certain areas and/or for a limited time. However, both the Principal Consent Holder and individual traders will still be subject to the Council's Street Trading Policy and Standard Conditions in relation to street trading.

## 3 Exemptions from the need to obtain a Street Trading Consent

- 3.1 Some types of trade are legally exempt from the need to obtain a Street Trading Consent. These include:
  - a person trading under the authority of a Pedlars Certificate granted under the Pedlars Act 1871;

- trading as a news vendor within a maximum area of 0.25 square metres;
- trade carried on at a petrol filling station or at premises used as a shop or in a street adjoining premises and used as part of the business of the shop;
- trade carried out by roundsmen e.g. milkmen.

#### **4 Pitches**

- 4.1 The Council has identified suitable pitches for street trading. Details of these pitches can be obtained via the Council's website or by contacting the Council's Licensing team.
- 4.2 From time to time the Council may establish new pitches based on the criteria in paragraph 4.3 below.
- 4.3 In determining whether to create a street trading pitch the Council will have regard to:
- any effect on road safety, either arising from the siting of the pitch 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;
  - any obstruction to the safe passage of pedestrians;
  - the safe access and egress of customers and staff from the pitch and immediate vicinity;
  - any land owners permission. This may be required from a private land owner or the relevant Council Service e.g. Environmental Services (Open Spaces), Commercial Estates, or Tourism Leisure & Culture.
  - the sale of goods or services which conflict with those provided by nearby shops or existing trading pitches.

#### **5 Applications**

- 5.1 When an existing or new pitch becomes available, the Council may publish details inviting applications for the said pitch. The details will be published on the Council's website.
- 5.2 Applications will be determined by the Environmental Monitoring and Licensing Manager. If no suitable application is received the pitch will be re-advertised.
- 5.3 In situations where there are competing applications then the Environmental Monitoring and Licensing Manager will decide the most appropriate applicant in consultation with the Divisional Director Environmental Services and/or the Cabinet Member for Customer Services. The pitch will be offered to the applicant whose proposal is considered most suitable for the particular location.



- 5.4 A Street Trading Consent cannot be issued to a person under the age of 17 years.
- 5.5 Before a new pitch is created the Council will consult with and seek written observations from:
- occupiers of premises immediately adjacent and opposite where appropriate;
  - existing holders of Street Trading Consents in the immediate area;
  - relevant ward councillors;
  - relevant parish and/or town councils;
  - Avon & Somerset Constabulary;
  - relevant Council Services including Development Control; Highways; Property Services; Environmental Services (Open Spaces); Commercial Estates; Trading Standards; Tourism, Leisure & Culture; Asset Review Group; Parks and Open Spaces;
  - relevant land owner;
  - others as the Council's Licensing team considers relevant to the application (e.g. food safety team for food related pitches).

The Council may also consider any responses received in relation to public notices on the highway.

- 5.6 Current Street Trading Consent holders seeking to change the nature of their existing pitch may be subject to the same consultation as in 5.5 above.
- 5.7 Any objection from consultees will be assessed against the criteria in 4.3 above and may be referred to the appropriate Licensing Sub Committee for determination.
- 5.8 The complete application process may take up to three months, to take into account the consultation period, and in the case of contentious applications, a hearing before the relevant Licensing Sub Committee.

## **6 Nature of Goods and Trading Hours**

- 6.1 The nature of goods which may be sold from any pitch and trading hours will be specified in the consultation process.
- 6.2 The Council would not normally grant a Street Trading Consent for the sale of goods or services which conflict with those provided by nearby shops or existing trading pitches.
- 6.3 Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types will be considered on a pitch by pitch basis and have particular regard to local needs shopping.

- 6.4 Street trading hours will normally mirror those of shops in the immediate vicinity. Extended trading hours will be determined on a pitch by pitch basis and may be allowed for special events such as the Christmas Market.
- 6.5 Late night food traders operating after 11 pm will be subject to the Licensing Act 2003 requirements regarding Premises Licences. Greater consideration will be given to the impact on the night time economy and possibility of crime and disorder on the streets as a result of the possible grant of a Street Trading Consent.
- 6.6 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Environmental Monitoring and Licensing Manager.
- 6.7 Any subsequent substantial change to the Consent may be subject to the level of consultation in 5.5 above.

## **7 Issue of Street Trading Consents**

- 7.1 Street Trading Consents will normally be issued for a period of three months. At the discretion of the Environmental Monitoring and Licensing Manager, consents for shorter periods may be issued for block bookings e.g. organised street markets, mobile street artists etc. Consents may also be issued annually for regular pitch holders.
- 7.2 Street Trading Consents will normally be issued for a minimum of six days per week, unless the applicant can provide an alternative scheme acceptable to the Environmental Monitoring and Licensing Manager.
- 7.3 Where a trader has been granted a Consent for six days a week then, at the discretion of the Environmental Monitoring and Licensing Manager, the Consent may be extended to seven days a week at no extra cost.
- 7.4 No refunds will be given if traders are unable to trade (subject to paragraph 8.7).
- 7.5 The transfer of Street Trading Consents is not permitted. If a consent holder no longer wishes to trade that persons consent will be terminated and the pitch will be advertised and a new consent issued.

## **8 Fees**

- 8.1 Fees for Street Trading Consents must be paid in full in advance. In the case of quarterly re-issues, payments must be made on a quarterly basis and are due before the following dates:
  - 1 January
  - 1 April

- 1 July
- 1 October

At the discretion of the Environmental Monitoring and Licensing Manager, consideration will be given to allowing alternative arrangements, on a case by case basis, to making payments.

- 8.2 Failure to maintain payments as above may result in the Street Trading Consent not being re-issued. If a cheque is dishonoured by a bank this will result in the revocation of the consent unless payment is made in cash within 5 working days. In such cases an administration charge will also be imposed, and any early payment discount previously allowed will be withdrawn, leaving the full fee to be paid.
- 8.3 The Environmental Monitoring and Licensing Manager will determine any written request to increase the authorised pitch size, which may be subject to the level of consultation in 5.5 above and may incur an increased daily fee.
- 8.4 If a Street Trading Consent holder exceeds the authorised pitch size without permission from the Environmental Monitoring and Licensing Manager, an additional fee will be charged at a daily rate per extra square foot above the allowed area.
- 8.5 The fee structure will primarily reflect pitch location, trading days and hours.
- 8.6 The Divisional Director Environmental Services in consultation with the Cabinet Member for Customer Services has delegated authority to set fees and to annually review the fee structure.
- 8.7 The Council cannot guarantee that pitches will be available every day, and accepts no liability for loss of earnings in relation to Street Trading Consent holders or their employees. In the event of roadworks, utility or service repairs and other genuine circumstances that affect the use of any pitch, the Environmental Monitoring and Licensing Manager will consider appropriate refunds on a case by case basis, provided a request has been made in writing from the consent holder.
- 8.8 When a Street Trading Consent is surrendered or revoked the Council may refund the whole or part of any fee paid as they consider appropriate.

## **9 Street Trading Consents for which fees are not payable**

- 9.1 The Environmental Monitoring and Licensing Manager may consider reducing or exempting fees for the following street trading activities:
- fetes, carnivals or similar community based and run events e.g. Keynsham Victorian Evening, Mardis Gras, Christmas Lights Switch on events etc.;

- non-commercial or charitable events;
- farmers markets (producer-managed market place for local producers to sell their own produce direct to local people);
- sales of articles by householders on land contiguous with their homes.

## 9.2 Charitable Street Trading

Persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes. The Council issues permits for charitable street collections. Collections cannot be held in any street or public place unless the Promoter has obtained a permit.

In relation to charitable street trading, the Council have named a pitch at Kingston Parade, Bath as its official street trading charity pitch. This pitch will be available to any organisation that is a registered charity, or any organisation that can prove it is a 'not-for-profit' organisation. It will be subject to the Council's standard street trading conditions.

The charity using the pitch must be able to prove its non-profit status by providing any of the following proofs:

- A copy of their charity registration document;
- An official letter confirming the organisation is exempt from charity registration;
- A letter from the Inland Revenue if the organisation is recognised as a charity for income tax purposes;
- An official letter confirming that the organisation is a 'not-for-profit' organisation.

The charity must obtain permission from the Principal Consent Holder responsible for the pitch at Kingston Parade.

## 10 Mobile Street Artists

10.1 Mobile Street Artist Consents may be issued to persons who sketch or paint, and sell their own work and move from location to location.

10.2 Applicants for Mobile Street Artist Consents must give a minimum notice period of 48 hours to the Licensing Team in relation to their applications.

## 11 Mobile Traders

11.1 The Council may consider issuing Mobile Street Trading Consents to traders such as ice cream vans who operate within a specified area e.g. Radstock/Midsomer Norton, Keynsham or Twerton/Whiteway.

## 12 Conditions and Enforcement

- 12.1 Standard conditions will be attached to every Street Trading Consent and Mobile Street Artist Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 12.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.
- 12.3 Failure to comply with conditions may lead to revocation or the Street Trading Consent not being re-issued.
- 12.4 Persons trading without a Street Trading Consent and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action in accordance with the Environmental and Consumer Services Enforcement Policy. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act.
- 12.5 The Council will follow the principles set out in its Public Protection Enforcement Policy, which proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. More serious offences may result in a referral to the Licensing Sub-Committee, the issue of a formal caution or a referral for prosecution.

### **13 General**

- 13.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.
- 13.2 This policy will complement and inform other Council initiatives, policies and visions including those on street markets
- 13.3 This policy will be the subject of periodic monitoring and review.
- 13.4 This policy will inform the detailed conditions attached to every Street Trading and Mobile Artist Consent.
- 13.5 This policy will be applied in a manner which is consistent with the Council's equalities and enforcement policies.

**The conditions below have been reworded and reproduced in red.**

**Standard Street Trading Conditions**

- 1 The holder(s) of this Consent (the holder), or any person employed to work on the stall, must produce the Consent when required to do so by a Police Officer or a duly authorised officer of Bath & North East Somerset Council (the Council).
- 2 The holder shall return this Consent to the Council's Licensing Services immediately on revocation or surrender.
- 3 The holder shall trade strictly in accordance with this Consent.
- 4 The holder shall notify Licensing Services immediately of any convictions or proceedings arising out of the use of this Consent.
- 5 The holder shall not cause any obstruction of the street or danger to persons using it. The holder shall not permit persons to gather around him or any van, cart, barrow, other vehicle or stall included in this Consent so as to cause a nuisance, annoyance or danger to any persons lawfully using the street.
- 6 The holder shall not use or permit any music playing, music reproducing or sound amplification apparatus or any musical instruments, radio or television receiving sets whilst trading under this Consent, unless varied by a special condition of this Consent.
- 7 The holder shall not place on the street, or affix to any equipment placed on the street, any advertising material, unless varied by a special condition of this Consent.
- 8 The holder shall not fix any equipment, nor make any excavations or indentations in the surface of the street.
- 9 The holder shall not use the street for any trading purpose other than as permitted by this Consent.
- 10 The holder shall not place on the street any furniture or equipment other than that permitted by this Consent. All such furniture or equipment must be maintained in a clean and tidy condition, and must not obstruct the entrance to, or exit from, any premises.
- 11 The holder shall not do anything in the street which may cause danger, nuisance or annoyance, damage or inconvenience to the Council, any adjacent/neighbouring premises, or to members of the public.
- 12 Unless acting as a Principal Consent Holder, the holder shall not transfer, assign or sublet this Consent, but he may surrender it at any time.

- 13 The holder shall observe and comply with any directions in relation to the use of the street given by the Council's Environmental Monitoring and Licensing Manager, or Directors of the Council's Property Services or Planning and Transport Development Services.
- 14 The holder shall keep his trading location and the immediate area in a clean and tidy condition during the permitted hours and at the end of each daily period of use, and shall provide a litter bin for their customers where necessary.
- 15 The holder shall not deposit any water or waste product into any street drain or channel, but shall dispose of it in an appropriate place.
- 16 The holder shall indemnify the Council and their agents, servants, workmen etc. from and against all proceedings, damages, claims or expenses in respect of an injury (including personal injury) which may be sustained in connection with the trading pitch and the provision of facilities under this Consent.
- 17 This Consent is issued on the understanding that the relevant and appropriate Public Liability Insurance is in place with a minimum cover of £5,000,000.
- 18 The holder must obtain permission from the Environmental Monitoring and Licensing Manager and the Council's Highways Department if they wish to utilise electrical power taken from the mains or a generator.
- 19 The Council may revoke this Consent at any time and shall not be liable to pay any compensation to the holder in respect of such revocation.
- 20 The holder, or any person employed to work on the stall, shall **at all times** wear the identification badge issued by Bath & North East Somerset Council whilst trading from the pitch. The badge shall be worn in a clearly visible position on the upper body.
- 21 Where a Street Trading Plate is issued it must be displayed in a clearly visible position where it can be read by prospective customers.
- 22 The holder shall return any Council issued identification badges and plates to Licensing Services immediately on revocation or surrender of this Consent.
- 23 The holder shall pay the street trading fees in advance. Quarterly fees shall be paid by 1 January, 1 April, 1 July and 1 October each year.
- 24 This Consent does not relieve the holder, or any person employed to work on the stall, of any obligation to comply with all other general and local legislation, and in particular the Road Traffic Acts; the Food Safety Act 1990; the Town and Country Planning Acts; the Control of

Pollution Act 1974; the Environmental Protection Act 1990; the Licensing Act 2003; any Orders or Regulations made thereunder; and local Byelaws. It shall be the obligation of the holder to familiarise themselves and their employees with any such legislation. The Council may revoke this Consent upon any breach.

**Additional Notes:**

- 1 Street trading in a consent street on foot or from a van, cart, etc.:
  - a) without a Street Trading Consent; or
  - b) not specifically permitted by a Consent; or
  - c) contravening certain conditions attached to a Consent;is an offence for which proceedings may be instituted.
- 2 A Street Trading Consent does not confer immunity from the provisions of any Street Parking Places Order or General Traffic Restriction Order. In case of doubt about the effect of any such Order, enquire at Licensing Services.
- 3 Schedule 4, paragraph 10 of the Local Government (Miscellaneous Provisions) Act 1982 provides as follows:
  - 1 A person who:
    - b) engages in street trading in a consent street without being authorised to do so under this Schedule: or
    - d) being authorised by a street trading consent to trade in a consent street, trades in that street:
      - i) from a stationary van, cart, barrow or other vehicle; or
      - ii) from a portable stall,without first having been granted permission to do so under paragraph 7 (8) (of this Schedule); or
    - e) contravenes a condition imposed under paragraph 7 (9) (of this Schedule), shall be guilty of an offence.
  - 2 It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
  - 3 Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to



be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

- 4 A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine to level 3 on the standard scale of fines (£1,000).

[Last updated 30.09.2010]

