

Ref. No.	PL/RE/17
Category:	
People	
Place	Yes
Corporate	
In Constitution	

## Street Trading (3 policies)

### Policy Details

What is this policy for?	To provide a decision making framework and create sensitive & safe a street trading environment which enhance the character of the local environment.
Who does this policy affect?	People wishing to sell goods in the street.
Keywords	Street, trading, consent, permit, pitch, stall.
Author	<ul style="list-style-type: none"> <li>• Steve Ricketts, Team Leader Public Health &amp; Protection, East Dorset District Council</li> <li>• Ian Carter, Licensing Officer, Licensing Unit, Purbeck District Council</li> <li>• Sue Moore, Weymouth &amp; Portland Borough Council</li> </ul>
Dorset Council policy adopted from	<p>East Dorset District Council. Purbeck District Council. Weymouth &amp; Portland Borough Council.</p> <p>Dorset Council has adopted policies from its constituent councils. Please be aware varying policies apply within the Dorset Council area. Policies will be reviewed and/or harmonised by 1 April 2021.</p>
Does this policy relate to any laws?	Local Government (Miscellaneous Provisions) Act 1982.
Is this policy linked to any other Dorset Council policies?	No.
Equality Impact Assessment (EqIA)	An EqIA will be completed when the policy is reviewed/harmonised for Dorset Council.
Other Impact Assessments	None.

### Status and Approvals

Status	Live	Version	
Last review date		Next review date	
Approved by (Director)		Date approved	
Member/ Partnership Board Approval	East Dorset District Council, Purbeck District Council and Weymouth & Portland Borough Council	Date approved	30 October 2007, 23 January 2008 and 24 June 2008

## **Local Government (Miscellaneous Provisions) Act 1982 - Street Trading**

**Item for Decision:** Members are requested to consider the report and agree the listed recommendations.

**Contributors:** Chief Executive  
**Contact Officer:** Steve Duckett, Head of Public Health Services  
Steve Ricketts, Licensing Manager

**Financial Implications:** None.

**Council Priorities:** [H&H1](#)

**Recommendations:** It is **RECOMMENDED** that:

- (a) Schedule 4 of Part III of the Local Government (Miscellaneous Provisions) Act 1982 shall be adopted and apply to the East Dorset District as from 20th November 2007; and
  - (b) Notice be given, as required under the Act, of the intention to pass a resolution designating the streets, as shown in Appendix 1, as streets requiring consent to trade; and
  - (c) Notice be given, as required under the Act, of the intention to pass a resolution designating the streets known as the A.31 and the A.338 within the East Dorset District, including all carriageways, footways, lay-bys and verges, and other open areas adjacent to and within a distance of 25 metres, as streets where trading is prohibited; and
  - (d) the policies and conditions contained within this report be adopted as part of the Consent Scheme; and
  - (e) the levy, review and waiving of fees be delegated to the Head of Public Health Services; and
  - (f) the amendment and addition of conditions be delegated to the Head of Public Health Services; and
  - (g) subject to the formal consultation process, the Licensing Committee, at its next meeting, considers resolving to bring into effect the 'designation' of the streets as from 1st April 2008.
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### **1. Applicable Lead Member Area(s)**

- 1.1 Health and Housing.

### **2. Crime and Disorder – Section 17 Implications**

- 2.1 The prevention of crime and disorder is one of the four licensing objectives under the Licensing Act 2003.

### **3. Equalities Implications**

- 3.1 There are no equalities implications associated with this report.

#### 4. Risk Implications

- 4.1 Controlling trading on streets during the Folk Festival could reduce the likelihood of accidents.

#### 5. Introduction

- 5.1 During this year's Wimborne Folk Festival concerns were expressed about the number of barbeques and open cooking appliances in the crowded streets.
- 5.2 Particular problems occurred in Cook Row and Church Street where the narrowness of the streets meant that the flow of persons resulted in bottlenecks in close proximity to open flames.
- 5.3 Clearly, if the situation is left unregulated the risk of persons being injured in those areas during the Folk Festival is high.

#### 6. Current Situation

- 6.1 At the moment, all the stalls are organised via the Folk Festival organisers, who allocate 'pitches' to those wishing to trade. However, the arrangement relies upon the goodwill of the traders, as there are no statutory powers that the organisers can enforce.
- 6.2 Health and Safety inspections take place before the folk festival by the Council's Environmental Health Inspectors. Even so, their powers stop short of being able to relocate stalls.
- 6.3 Regulating this type of trading is best achieved by District Councils using their powers available to them in the Local Government (Miscellaneous Provisions) Act 1982.
- 6.4 In the absence of utilising the above powers, permission for trading on a street is required from the County Council, as the Highway Authority under the Highways Act 1980. The County Council has never wished to curtail trading during the folk festival, and the Highways Act is more suitable to dealing with problems akin to traffic related problems.

#### 7. Part III, Local Government (Miscellaneous Provisions) Act 1982

- 7.1 Section 3 of the above Act enables a district council to adopt a code for the regulation and control of street trading within its area. Under the Act, a district council may choose to designate any street within its area as 'prohibited', 'licence', or 'consent'.
- 7.2 Generally speaking, a **licence street** designation is appropriate for the more formalised market type of trading in a street, which is held on a regular or permanent basis.
- 7.3 Designation of a street as a **consent street** can cover more infrequent types of trading and provides a district council with a more flexible system of control.
- 7.4 A **prohibited street** has the effect of permanently barring trading on the specified streets.

#### 8. Options and Survey of Businesses

- 8.1 Deeming streets as 'licence streets' does not seem at all appropriate for the Folk Festival.
- 8.2 The Committee's real choices are therefore threefold :-
  - (a) Designate streets as 'Consent';

- (b) Designate streets as 'Prohibited';
  - (c) Status Quo – Allow Folk Festival Organisers to allocate pitches.
- 8.3 An informal consultation exercise has been undertaken with all the Businesses in Cook Row, Church Street, Cornmarket and West Row areas. The results of the above options were as follows :-
- (a) For 'Consent' – 9
  - (b) For 'Prohibited' - 0
  - (c) For Status Quo - 5
- 8.4 One of the comments received from the businesses was that *all* the streets in Wimborne Minster should require consent during the Folk Festival. This is not being recommended this year as the intention is to primarily solve a health and safety problem. However, if the effect of designating only certain roads means that the problem simply shifts to other areas of the town, then the policy could be reviewed for 2009.
- 8.5 Concerns have also been expressed from some traders about the access of emergency vehicles in the Cornmarket, and it would be intended to consult with the emergency services at the point of deciding the number and location of stalls. This could be done after the formal adoption of the relevant part of the Act under delegated powers.
- 8.6 During the Folk Festival De-brief concerns were also expressed about stalls being located near established businesses selling similar or same goods for sale. This has not been addressed in this report, but members may wish to consider the imposition of a condition to control this situation.

## 9. Other Consultations

- 9.1 The Folk Festival Organisers want it stressed that they have always been very mindful of access of emergency vehicles. They have also expressed concern at 'pedlars' trading in the town during the festival. Pedlars are licensed and enforced by the Police, and are not affected by street trading legislation. However, pedlars must always keep on the move and should basically only stop at the point of making a sale.
- 9.2 The Chamber of Trade originally asked for this matter to be investigated and broadly support the proposals.
- 9.3 The County Council and Police have made no comments at this stage of the adoption process.
- 9.4 Wimborne Minster Town Council have expressed their support for the proposals. However, they have asked that Cook Row be designated as a Prohibited Street, and that Mill Lane be included as a Consent Street.

## 10. Powers available under 'Consent'

- 10.1 The officers' preference is to designate Cook Row, Church Street, The Cornmarket and West Row and adjoining areas, as shown in 'Appendix 1', as 'Consent Streets.'
- 10.2 Consent streets offer a lot of flexibility. There is no duty to grant street trading consent, and no need to specify grounds for refusal.
- 10.3 Conditions can be attached to the Consent as is considered 'reasonably necessary'.

- 10.4 Consents would be issued for specific periods only and, therefore, would not be renewable.
- 10.5 It is possible that Consents would be granted throughout the year, and not just during the Folk Festival. However, there would have to be exceptional circumstances for Consents to be issued other than during the Folk Festival weekend. Such 'exceptional circumstances' would normally include trading that the Head of Public Health Services considers to benefit the 'community as a whole' or was acceptable established practice before the designation of the 'Consent' streets.

## **11. Fees**

- 11.1 All applications for Street Consents shall be accompanied by a fee of £100 per week or part thereof.
- 11.2 All application fees shall be non-refundable, subject to the terms of the Act.
- 11.3 Fees may be waived at the discretion of the Head of Public Health Services.

## **12. Conditions**

- 12.1 If Consent Streets are adopted, the conditions will probably need to evolve as more experience is gained on the practical issues. However, there are a number of fundamental conditions that are suggested to be attached as a matter of Council policy :-
- (a) The Council shall consider permitting trading from a stationary van, cart, barrow or other vehicle or from a portable stall;
  - (b) The trader shall only trade from the location as indicated on the Consent;
  - (c) The trader shall only trade between the dates and times as indicated on the Consent;
  - (d) The Consent shall not be transferable to any other person not named on the Consent, and named traders shall, for most of the working day, be in personal attendance of their stall/pitch;
  - (e) All traders shall comply with any requests from Statutory Bodies, including the Food and Safety Section of East Dorset District Council;
  - (f) The trader shall be responsible for the cleansing of the trading area, including the removal of litter, and ensuring that stains from any spilled fluids on pavements/roads etc, are removed.

## **13. Adoption of Street Consent Powers**

- 13.1 If Members so agree to adopt streets as Consent, Notice of the intention to pass such a resolution must be published in a local newspaper. Representations must be received in writing not less than 28 days after such publication.
- 13.2 A copy of the Notice must be served on
- (a) Highway authority;
  - (b) Police
- 13.3 The Licensing Committee must then consider any representations received at the next meeting, now scheduled for the 23<sup>rd</sup> January 2008, and decide whether to pass such a resolution.

- 13.4 If a resolution is passed, another Notice must be published to that effect in a local newspaper on two consecutive weeks. The first publication shall not be less than 28 days before the date of the coming into force of the 'designation'.

#### **14. Previous Adoption of Part III of the Act**

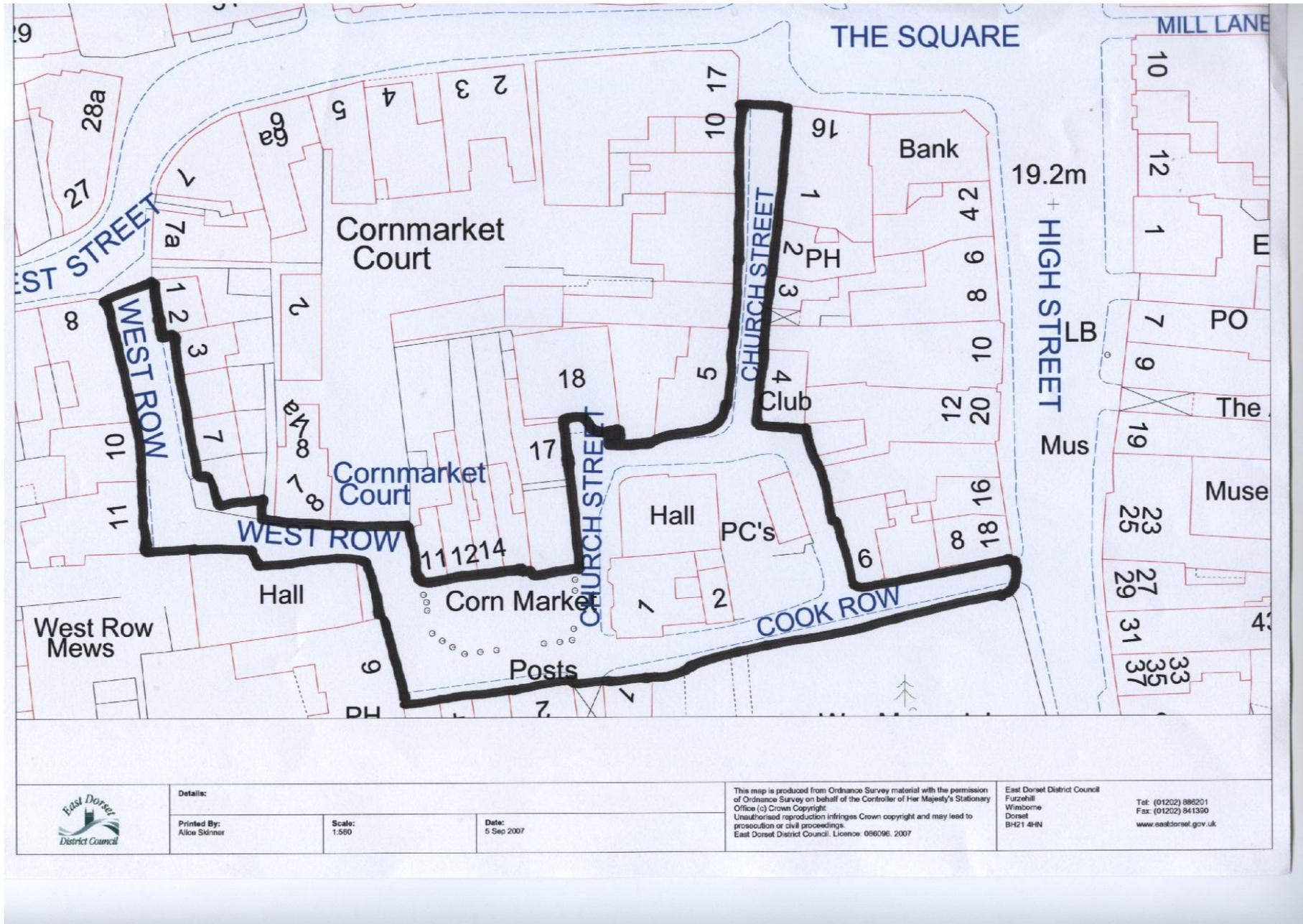
- 14.1 At the Council's Health and Housing Committee on 24<sup>th</sup> September 1986, it was resolved to adopt Part III of the Act and prohibit trading on the A31 and A338. The officers have spent a considerable amount of time finding the above prohibition resolution, but have not been able to find the necessary advertisements in the local press archives. There are no records indicating which publications may have been used for the advertisements, and these would be necessary for any legal proceedings.
- 14.2 In the circumstances, this is an opportunity to consolidate the whole of the Council's policy and to re-designate the prohibited streets. The process for designating streets as 'Prohibited' is the same as described in paragraph 13 above, and could be done at the same time as designating the Consent Streets. In this way, the whole of the Council's policy in respect of street trading would be without flaw.

#### **15. Background Papers**

- 15.1 None.

#### **16. Appendices**

- 16.1 Appendix 1 – Map showing Area of proposed Designated Consent Streets.



## **Review of Street Trading Policy**

<b>Item for Decision:</b>	To designate certain streets within East Dorset as streets requiring consent to trade.
<b>Contributors:</b>	Chief Executive
<b>Contact Officer:</b>	Steve Ricketts, Licensing Manager
<b>Financial Implications:</b>	None.
<b>Council Priorities:</b>	<a href="#">H&amp;H1</a>
<b>Recommendations:</b>	<b>It is RECOMMENDED that:</b> a) <b>As from 1st April 2008, the areas in Wimborne Minster, as shown in Appendix 1, including Church Street, Cook Row, The Cornmarket and West Row, be designated as streets requiring consent to trade for the purposes of Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; and</b> b) <b>Notice be given, as required under the Act, of the intention to pass a resolution re-designating the streets known as the A31 and A338 within the East Dorset District, including all carriageways, footways, lay-bys and verges, and other open areas adjacent to and within a distance of 25 metres, from 'prohibited' streets to streets requiring consent to trade, as from 1st September 2008.</b>

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### **1. Applicable Lead Member Area(s)**

1.1 Community; Culture; Health and Housing;

### **2. Crime and Disorder – Section 17 Implications**

2.1 None.

### **3. Equalities Implications**

3.1 None.

### **4. Risk Implications**

4.1 None.

### **5. Introduction**

5.1 Members will recall that at the last meeting on 30<sup>th</sup> October 2007, the Committee considered a report reviewing the Council's policies in relation to street trading under the Local Government (Miscellaneous Provisions) Act 1982.

5.2 Two main decisions were resolved:-

- a. The committee resolved to bring into effect the 'designation' of the streets in Wimborne outlined in Appendix 1 as 'Consent Streets' as from 1st April 2008. This was subject to a statutory formal public consultation.

- b. The committee was also asked to consider designating the A31 and A388 as either 'consent' or 'prohibited' streets for trading purposes. It was decided that any action on this issue be deferred to this meeting following consultation with the Police and Highway Authority;

5.3 The appropriate consultation on the above decisions has now taken place.

## **6. Public Consultation on Proposed. Consent Streets in Wimborne**

6.1 Dorset County Council support the proposals in respect of the intended Consent Streets in Wimborne, and Dorset Police have raised no objections in this respect.

6.2 Members will recall from the report submitted on 30<sup>th</sup> October 2007, that quite an extensive informal consultation exercise took place before that meeting, which might explain the absence of any other representations received during the formal consultation, as required under the Act.

6.3 With the above in mind, it would seem wholly sensible to proceed with the resolution of the last meeting, and bring into force the new street trading policy as from 1<sup>st</sup> April 2008. This will be in time for regulating the trading in the designated areas during Wimborne Folk Festival this year.

## **7. Consultation with Dorset Police and Highway's Authority in respect of A31 and A388**

7.1 At the last meeting, it was clarified that the existing policy in relation to street trading on these roads required reviewing. In 1986 they were designated as 'Prohibited Streets' for trading purposes. However, proving proper adoption of that part of the law could prove difficult because of difficulties finding the required public notices.

7.2 In addition, during the research process it was realised that the prohibition included all open areas adjacent to and within 25 metres of the highway. In effect, this part of the policy impacted upon at least one existing trader.

7.3 Whilst Members recognised the need to review the policy, they did not want to disrupt a business without good reason.

7.4 Instead of simply readopting the prohibition of trading on the highways, members asked officers to first consult with the Highways Authority and Dorset Police on whether the location of an existing trader caused safety concerns.

7.5 Dorset Police have no safety concerns with regard to the location of the trader. However, they recognise the importance of controlling trading along the highways.

7.6 Despite speaking to staff at the Highways Agency, no comment was received from them.

## **8. Officers Preferred Option**

8.1 Given that there are no current reasons for concern, the recommendation from the officers is to re-designate the A31 and A338 as streets requiring consent to trade.

8.2 Designating them as 'Consent Streets' would give Head of Public Health the ability to authorise current traders not causing a safety hazard. At the same time, other traders may be refused permission to trade, thereby maintaining the status quo.

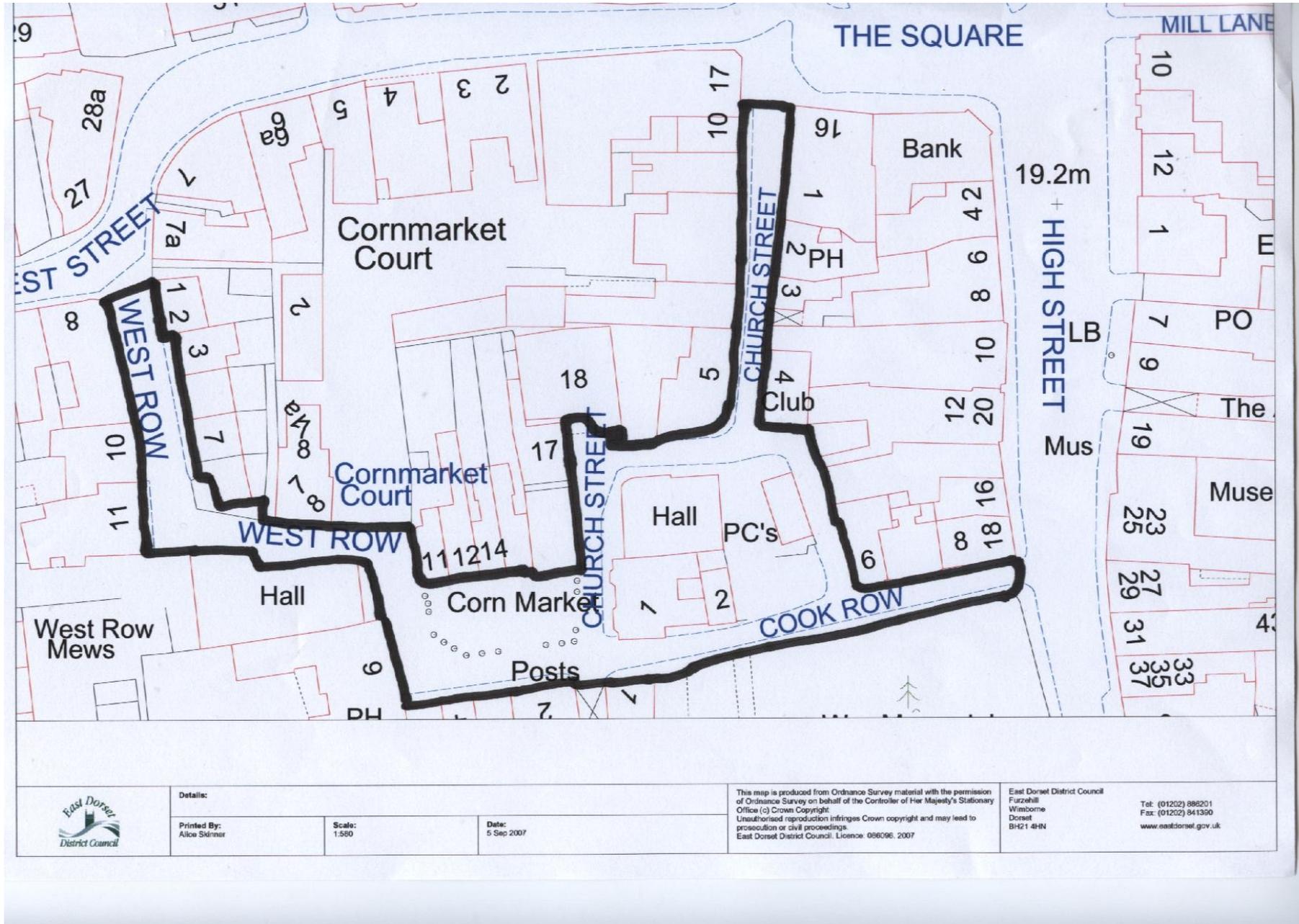
## **9. Background Papers**

9.1 Consultation correspondence on Licensing Street Trading File

# 10. Appendices

## 10.1 Appendix 1 – Plan of Designated Consent Streets in Wimborne.

### Appendix 1



## **Redesignation of the A31 and A338 as streets requiring 'consent' to trade**

<b>Item for Decision:</b>	To formally agree a resolution to adopt the A31 and A338 as 'consent' streets for purposes of street trading.
<b>Contributors:</b>	Chief Executive
<b>Contact Officer:</b>	Steve Duckett, Head of Public Health Services Steve Ricketts, Licensing Manager
<b>Financial Implications:</b>	None.
<b>Council Priorities:</b>	<a href="#">H&amp;H1</a>
<b>Recommendations:</b>	<b>It is RECOMMENDED that as from 1st September 2008, the streets known as the A31 and A338 within the East Dorset District; including all carriageways, footways, lay-bys, verges and other open areas adjacent to and within a distance of 25 metres, will be re-designated from 'prohibited' streets to streets requiring 'consent' to trade for the purposes of Paragraph 2 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.</b>

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### **1. Applicable Lead Member Area(s)**

1.1 Community; Culture; Health and Housing.

### **2. Crime and Disorder – Section 17 Implications**

2.1 There are no crime and disorder implications associated with this report.

### **3. Equalities Implications**

3.1 There are no equalities implications associated with this report.

### **4. Risk Implications**

4.1 There are no risk implications associated with this report.

### **5. Introduction**

5.1 Members will recall that at the last meeting on 23<sup>rd</sup> January 2008, the Committee considered a report reviewing the Council's policies in relation to street trading under the Local Government (Miscellaneous Provisions) Act 1982 in respect of the A31 and A338.

5.2 The Committee resolved to give Notice of their intention to re-designate these streets from 'prohibited' to 'consent', subject to the required statutory consultation.

5.3 The necessary Notices to the Highways Authority and Dorset Police have been served, as well as a Public Notice in a local newspaper.

### **6. Consultation with Dorset Police and Highway's Authority and Public**

6.1 Members will recall from the report submitted on 30<sup>th</sup> October 2007, that quite an extensive informal consultation exercise took place before that meeting, which

might explain the absence of any other representations received during the formal consultation.

- 6.2 During the informal consultation, Dorset Police recognised the importance of controlling trading along the highways.
- 6.3 Despite speaking to staff at the Highways Agency, no comment was received from them.
- 6.4 As a matter of courtesy, an existing trader has been informed of the need to obtain consent to continue trading after 1<sup>st</sup> September 2008, and has raised no objection.

## **7. Re-Designation of Streets**

- 7.1 It would now seem wholly sensible to proceed with the resolution of the last meeting, and bring into force the new street trading policy as from 1<sup>st</sup> September 2008.
- 7.2 Once the resolution has been passed, the Council is obliged to publish the fact in two consecutive weeks in a local newspaper. The first publication must not be later than twenty eight days before the date specified in the resolution for the coming into force of the designation i.e. 1<sup>st</sup> September 2008.

## **8. Background Papers**

- 8.1 Consultation correspondence on Licensing Street Trading File.

## **9. Appendices**

- 9.1 None.

# Apply for a street trading licence in Purbeck

Street trading includes trading on the road, highway, footway, beach or other area that the public have free access to.

Street trading is not allowed within:

- the boundary of Wareham Town Council
- the boundary of Swanage Town Council, unless a street trading consent and permit has been granted by the district council

Beyond these boundaries street trading is not controlled, although Dorset County Council and the Highways Agency are able to enforce separate legislation on most major roads in the county.

## Eligibility

You must be over 17 to hold a licence.

Licences will be refused if:

- there isn't enough space in the street you wish to trade in, without causing interference or inconvenience to street users
- you wish to trade for less days than any minimum required trading days
- you are unsuitable to hold a licence due to any previous convictions or for other reasons
- you have previously failed to pay fees due under another street trading licence or have failed to use a previous street trading licence

Tacit consent applies. This means that you will be able to act as though your application is granted if you have not heard from the local authority in 28 days.

## Apply for a street trading licence

You can apply for a licence or to change a licence on Gov.uk.

[Apply for a licence](#)

[Change a licence](#)

[View the Street Trading Notes for Applicants.](#)

## Refused applications

We will serve a notice if we intend to refuse the application, grant it on different terms than those applied for, confine trading to a particular place in a street, vary conditions of a licence or revoke a licence.

You can write to us to request the opportunity to make representations within 7 days of the notice. Contact us to discuss this.

If you wish to appeal a decision of the council you may appeal to the local Magistrates' court within 21 days of the date you were notified of the decision. You may appeal the decision of a Magistrates' Court to the local Crown Court.

# STREET TRADING POLICY 2015 to 2019

(2/6/2015 to 1/6/2019)

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## **1 Purpose**

The purpose of the Council's street trading policy is to create a street trading environment which complements premises-based trading establishments, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments. It is further intended to highlight the requirements and standards expected of street traders in the Borough of Weymouth and Portland.

## **2 What is Street Trading?**

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. The scheme will therefore include all hot and cold food vendors, burgers, kebabs, doughnuts, etc., including ice cream vendors, and all vendors of non-food products who trade on static pitches from any vehicle, stall, barrow, trailer, or any other moveable construction. N.B. Commercial promotional activities (including sampling) also fall within this remit.

Weymouth and Portland Borough 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.

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.

## **3 Exemptions from the need to obtain a Consent**

Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- a person/persons holding a charitable street collection permit issued by the Council;
- a person legitimately trading as a Pedlar under licence issued by a Police Authority;
- trade carried out by roundsmen e.g. milkmen;
- trade carried on at a petrol filling station;
- a news vendor selling only newspapers and periodicals;
- a market trader operating at a licensed market venue;
- trading on private land may not need a consent. To confirm the situation it is advisable to contact Business Licensing. The landowner may need planning permission and it will be necessary to contact the Council's Planning Service to check.

## **4 Land Under the Ownership of Weymouth & Portland Borough Council**

All land under the ownership of Weymouth and Portland Borough Council (which includes Weymouth, Greenhill and Preston Promenades and beaches) will be negotiated and/or advertised by the Estates section of Weymouth & Portland Borough Council.

Trading in these areas will not be permitted without the licensed consent of the Estates section.

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

Weymouth and Portland Borough Council will not require the payment of fees (other than a nominal administration fee) for the following street trading activities:

- fetes, carnivals or similar community based and run events which are run on a not-for-profit basis;
- sales of articles by householders on land within the curtilage of their homes.

N.B. Although these activities are exempt from the payment of fees the landowner's permission must be sought on each occasion

## **6 Site Assessment**

The Council has identified a number of suitable designated 'pitches' for street trading and maintains a map showing their location. Only applications for pitches identified and designated by the Council will be considered in the town centre and wider town centre, quayside/waterside and Hope Square area. Elsewhere in the Borough the Council will be receptive to proposals wherever possible and will deal with such applications on a case by case basis.

Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.

In determining whether to grant a particular street trading consent the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch/activity or from customers visiting or leaving;
- any loss of amenity caused by noise, traffic or smell;
- existing Traffic Orders e.g. waiting restrictions;
- any potential obstruction of pedestrian or vehicular access and/or access to shops;
- any obstruction to the safe passage of pedestrians;
- the safe access and egress of customers and staff from the pitch and immediate vicinity (including adequacy of lighting);
- disabled access;
- any implications/conflicts with nearby shops and/or businesses;
- suitability for the particular varieties of street trading and activities.
- whether certain types of business could/should be focused in certain areas.

## **7 Nature of Goods, Activities and Trading Hours**

Applications will be considered on a pitch-by-pitch basis and will have particular regard to local needs, shopping, product/service diversity and balance.

In particular, good quality craft stalls are encouraged.

Street trading hours will in all cases cease no later than 22:30.

The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Council's Head of Business Licensing and/or the Planning Officer.

## **8 Issue of Street Trading Consents**

There is a tendering process in place for all vacant designated pitches which commences in January in any given year in order to facilitate consents being issued in time for Easter trading. Any pitches not taken up in this way are open to offer within a banded fee scale at any time during the year for periods of not less than 1 month and up to the end of the consent year.

Once issued with an annual consent, existing traders who have fully complied with the terms and conditions of their street trading consent(s) will be entitled to renew their annual consents for up to a maximum of 3 years (at prevailing corporate rate of % increase) without being subject to tender. This concession is given on the understanding that the consent holders invest in the cosmetic appearance of their stall, barrow, van or cart to ensure that a good standard is achieved and maintained throughout. If any stall, barrow, van or cart is, in the Council's opinion, falling below the expected standard the consent holder may forfeit their right to annual renewal without tender.

When an existing or new pitch becomes available in this way, the Council will publish a notice inviting applications for the said pitch. The notice will be carried by one or more of the following: Council website, Council Offices' noticeboard. It may also be carried by local publications.

Consents for shorter periods may be issued for bookings for the purpose of organised street markets, events, promotions and for mobile street artists. Consents will normally be issued for block periods and traders will not be permitted to specify set days of the week that they wish to trade.

Fees for consents should be paid in full in advance. Failure to make payments may result in the consent not being renewed or being revoked.

Any person granted a street trading consent should be aware that it may be necessary for the local authority to clean and maintain pavements, verges or the highway within the area granted a consent. If possible, prior notice will be given to the proprietor/stall holder of any work required or of any planned routine maintenance.

There may, however, be times when the permitted area will be unavailable due to utility, maintenance or construction. This is a normal function of the highway authority and utility companies and will not, therefore, be subject to compensation although effort will be made to identify an alternative trading site during such occasions.

Applications will normally be determined by the Head of Business Licensing in consultation with other appropriate Council Officers where/when appropriate. Contentious applications will be determined by Licensing Committee. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.

In cases where a previously undesignated pitch or completely new type of venture is being put forward the Council will undertake to post notices of the application on nearby street furniture in addition to circulating details to the established consultees to ensure that all interested parties are able to comment. In addition to this, details of the application must be published in the local newspaper. The onus for the advertisement is placed on the applicant with the cost being met directly by them.

Any consent granted in respect of a new pitch or completely new type of venture will only be granted for a three month period initially. Provided that there are no problems/objections during this time then a further consent (of not less than one month and up to the end of the consent year) will be granted at Officer level with no further administration fee being payable by the applicant. Any initial consent attracting problems or objections would need to be dealt with by Licensing Committee if a further consent was applied for and in these cases a further administration fee of £100 would be incurred. Objections on the grounds of competition will not be accepted as this would be against the EU Services Directive.

A consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of providing unsatisfactory references, having been convicted of an offence or for any other reason.

## **9 Food Safety Requirements**

### **Food Premises (Registration) Regulations 1991**

All food businesses which trade in the street for more than five days in a five week period are required to register with the Local Authority where the business operates or, in the case of a mobile vehicle, the Local Authority where the vehicle is kept. Registration must take place at least 28 days before the business starts trading. Registration is free and simply informs the Council that a business will be starting up. It does not mean that the Council has approved the business as complying with the law nor does it give the business any special rights to trade.

**Food Safety Act 1990 (as amended)**  
**Food Hygiene (England) Regulations 2006**  
**General Food Regulations 2004**

This legislation requires that any food (including drink and water) which is put on the market, is safe for consumption. Also covered by this law is food that may be given away or offered as a prize. In addition to the above legislative requirements, food business operators are also required to carry out food safety management. This is a system for ensuring the safety of food and the keeping of monitoring records. This needs to be done by food business operators to show compliance with the hazard analysis principles of the food operation.

Further advice can be obtained from the Local Authority and guidance can be found in the 'Industry Guide to Good Hygiene Practice: Market and Fairs Guide'. Detailed food safety requirements are available as part of the guidance which supports this policy.

## **10 Fee Structure**

The Head of Business Licensing, in consultation with other appropriate Council Officers and Brief Holder(s), has delegated authority to set fees and to annually review the fee structure.

The fee structure/scale of charges will be reviewed based on monies offered at the tendering stage (if applicable) and once set, will be in force for the remainder of the consent year.

The Council is not bound to accept the highest or any tender that it may receive.

It should also be noted that the fee structure does not include any rates which may be payable. The onus/liability is on the consent holder for the payment of rates when/where applicable.

There is a discounted fee for fetes, carnivals, or similar community based and run events which are organised on a not for profit or charitable basis. However, if an organization wishes to benefit from this discount they must provide full certified accounts of income received, legitimate expenses incurred and, if applicable, full details of monies given to charity (which must be 100% of the net proceeds). Event organisers/organisations which cannot comply with the above requirements will be charged at commercial rates.

Good quality craft stalls will also benefit from a discounted fee.

## **11 Conditions and Enforcement**

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.

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.

The proprietor or stall holder will fully indemnify the Council against all costs, claims, expenses, demands, charges or liability of any description arising out of, or in connection with

the granting of the street trading consent whatever and however arising as a result of the activities.

It will also be necessary to provide evidence that public liability insurance to the minimum value of £5 million has been obtained and that the business is registered with the Council if food sales are proposed. Applications will not be considered without this evidence.

The proprietor or stall holder may be held liable for any damage caused to the verge, pavement, highway or any other item of street furniture caused through the operation of his/her business.

Persons trading without a consent and who are not exempt (see 3 for examples) will be the subject of enforcement action in accordance with the Council's 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 Revocation**

The Council may revoke a street trading consent after it has been granted. This may be for a variety of reasons such as non-compliance with conditions, non-payment or because other agencies such as the utility companies require access to the trading location.

In such event the person or company issued with the street trading consent shall have no claim against the Council.

If a consent is revoked there is no statutory right of appeal against the decision other than judicial review.

## **13 Other relevant legislation**

In addition to conditions attached by the Licensing Authority applicants' attention is drawn to the requirements of other relevant legislation which may impact on their business.

### **13.1 Health and Safety**

All businesses are required to comply with the relevant statutory requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. These set out the requirements of the health, safety and welfare of staff and users. Further advice can be obtained from the Local Authority or the Health and Safety Executive website: [www.hse.gov.uk](http://www.hse.gov.uk)

### **13.2 Safety Policy**

If an employer employs more than five people, he/she is required by law to produce a written health and safety policy which their staff must read, understand and follow.

The written policy must:

- i) state their general policy on health and safety;
- ii) state who is responsible for carrying out the policy;
- iii) be revised whenever appropriate.

### **13.3 Risk Assessment**

Any person granted a street trading consent must carry out an assessment of the health and safety risks associated with their business. To do this they must look for the hazards (the things which can do harm) associated with their business. Then they must decide who might be harmed (them, their staff, customers or other members of the public) and how. The next step is to evaluate the risks (the chance, high or low, that somebody will be harmed by the hazard) and decide whether the existing precautions are adequate or whether more should be done. If they employ more than four people they have to record their findings. Finally, they need to review their assessment on a regular basis and revise it if necessary.

Further information is available in the HSE Booklet 'Five Steps to Risk Assessment'

Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO). Further information is available at [www.dorsetfire.gov.uk](http://www.dorsetfire.gov.uk).

### **13.4 First Aid**

The consent holder must provide a proper first aid kit and all staff must know where to find it. The kit must contain plenty of waterproof dressings (blue if possible), bandages and protective finger stalls. The level of first aid cover should be determined through the risk assessment process.

### **13.5 Fire fighting equipment**

The consent holder must provide equipment appropriate to the types of fire they may face eg. cooking fat, LPG, electrical etc. This will normally consist of a fire blanket and a dry powder fire extinguisher both of which should be located near to the door or entrance of the vehicle or stall.

### **13.6 Liquefied petroleum gas (LPG)**

All LPG installations must be in accordance with the UKLPG code of practice.

### **13.7 Electrical safety**

If an electrical generator is used or a connection is made to a permanent electricity supply the consent holder must ensure that the electrical installation is safe. If there is any doubt as to the integrity of the supply or installation the Council may ask for them to provide a safety certificate from a competent person or body. In most circumstances an inspection by an NICEIC or ECA approved electrician will be satisfactory.

At no time should electric cables be draped across roadway, public footpaths or any other area where the public have access.

### **13.8 Electricity Generators**

If a generator is to be used to supply electricity for any stall or vehicle it shall be maintained in good condition and operate without producing any visible smoke. The generator shall be suitably silenced so that it cannot be heard by anyone at the nearest premises. N.B. Any person failing to comply with this requirement will be required to either replace the generator or get a permanent electricity supply installed at their own expense and within a specified timescale determined on a case by case basis.

## **14 Social Inclusion**

The Council will fulfil its duty to ensure that disabled persons and those from ethnic minority groups have an equal opportunity to apply for and operate street trading consents.

## **15 General**

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

This policy will complement and inform other Council initiatives including those on street entertainment and life in the public realm.

This policy will be the subject of periodic monitoring. The aim is to review the policy every 5 years (or less if warranted).

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

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

### **Useful Contacts:**

Business Licensing:	01305 838028
Environmental Health:	01305 838432
Planning (Duty Planner):	01305 838336