

STREET TRADING CONSENT INFORMATION NOTES **FOR EXISTING CONSENT HOLDERS**

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1. INTRODUCTION

These notes are for guidance only and are not exhaustive, reference should also be made to the current South Gloucestershire Council Street Trading Policy and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

2. CORRESPONDENCE

All written correspondence should be addressed to the Department for Environment and Community Services, PO Box 299, Trading Standards & Licensing, Civic Centre, High Street, Bristol, BS15 0DR.

3. TELEPHONE ENQUIRIES

Telephone enquiries should be made by telephoning the Licensing Contact Centre on 01454 868001 (office hours Monday - Friday).

4. PERSONAL VISITS

The Licensing Office is open for pre-arranged appointments Monday – Friday. To arrange an appointment please call 01454 868001.

The address for personal visits is South Gloucestershire Council, Trading Standards and Licensing, Engine Common Lane, Yate, South Gloucestershire, BS37 7PN.

Please note that you will not be seen without a pre-arranged appointment.

5. PLANNING PERMISSION

Applicants should note that planning permission may be required separately for the proposal subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and you could be subject to planning enforcement action if no planning permission is granted.

You can contact the Planning Office direct via email at planningapplications@southglos.gov.uk or by calling 01454 868004.

Please be aware that there may be a fee for this service.

Should you already hold planning permission for the required street trading location, this does not necessarily mean that a Street Trading Consent is not required.

Each case will be considered on its own merits with a copy of the full planning decision required for the Licensing Team to make a decision.

For further clarification please contact a member of the Licensing Team.

6. CURRENT CONSENT

It is important that when operating a current consent that you adhere to all the Street Trading Conditions in force, failure to do so may lead to revocation of the Consent.

It is therefore important that you inform any changes that are covered within the Street Trading Conditions to the Licensing Team.

A copy of all consent conditions can be found within the current Street Trading Policy.

7. TRADE WASTE

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled correctly. As you will be operating a business unit you have a legal duty to ensure that you store the waste securely pending collection and only give it to somebody who is authorised to receive it.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept showing how the waste has been disposed of, which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Sort It Centres. Should you be found to be deposited your trade waste in this manner you will render yourself liable to potential prosecution.

The Street Care Department who are consulted on for all Street Trading Consent applications have stated that if they are not satisfied that suitable trade waste arrangements are in place then they will object to an application and recommend refusal.

8. **FEES**

Fees for annual consents may be paid either in full in advance, or on a quarterly basis. Quarterly fees will be due on the following dates:

1 January
1 April
1 July
1 September

Failure to maintain payments of the fee on a quarterly basis will be a breach of the conditions attached to the consent. If quarterly payments are not made to the Council, the consent issued by the council will be revoked. It therefore is essential that traders electing to pay on a quarterly basis ensure that such payments are made on the due dates.

If problems are encountered with the payment of fees the Council reserves the right to insist on payments in advance of the full years fees.

Please note that no renewal application will be entertained if a consent holder is in arrears on their quarterly fees.

Should a cheque be returned from a bank due to insufficient funds this will result in the revocation of a Street Trading Consent unless payment of the outstanding fees is made via card payment within 5 working days. In such cases an administration charge will also be imposed on the consent holder.

9. **HOW TO APPLY FOR A RENEWAL APPLICATION**

To apply for a renewal application for a street trading consent you will need to submit all of the following at least 8 weeks before the expiry of your current Street Trading Consent:

- A completed application form for the same hours as you currently trade.
- Ensure that all your street trading fees are up to date
- Five copies of a map showing the trading area (at least 1:1250 scale) – This can be produced for you for a fee. For current fee please refer to fees within the current Street Trading Policy.
- Three colour photographs of the trading unit that will be used.
- An original copy of up to date Third Party and Public Liability Insurance for the unit
- Written permission for toilet provisions for all staff to use.
- Written permission from landowner (if applicable)
- Proof of address (Original banks statements or utility bills)
- Proof of right to work in the UK if previously there were limits on your stay in the UK (for documents required please see **Appendix One**)
- It is also a requirement that applicants must affix a notice of the application in the immediate vicinity of the trading site upon submission of the renewal application. This must remain in place until the application is determined. (Blank notices can be requested from the Licensing Department).

10. **CONSULTATION PROCESS**

Before a Street Trading Consent is granted the Council will carry out a 21 day consultation process for various persons and groups. In particular we will consult with the following organisations or persons:

1. Town Councils / Parish Councils / Councillors
2. Local residents and occupiers of properties within a 100 metre radius of the proposed site.
3. Avon and Somerset Police
4. Avon Fire and Rescue Service
5. South Gloucestershire Planning Department
6. South Gloucestershire Highways Department
7. The Highways Agency
8. South Gloucestershire Health, safety and Food Team
9. South Gloucestershire Environmental Protection Team
10. South Gloucestershire Property Services
11. The land owner if the proposed street trading site is on private land.

One or a number of the consultees may approach an applicant and ask them to provide further information in order to respond to the consultation.

Objections

Should valid objections be received against an application then the application will be referred to the Council's Licensing Sub-Committee for determination.

The Licensing Sub Committee will listen to all evidence and consider each case on its own merits before making a decision to grant or refuse an application

Further details on this procedure and appeals procedures can be found in the current Street Trading Policy.

11. **TRANSFER OF STREET TRADING CONSENT**

Should you wish to transfer a current Street Trading Consent into another persons name then a transfer form will need to be completed with both parties signing it.

The proposed new consent holder is also required to complete a new application form with the current hours in order to provide all relevant information.

Should this be received the proposed new applicant will be permitted to trade during the consultation period.

As this will be a change of name only residents will not be included in the consultation.

Please note should any responsible authority object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by a Licensing Sub-Committee.

In addition Should the new applicant wish to operate under different hours to those currently on the consent then a new grant application is required which may result in no trading taking place until determination of the application Please note this would include a full consultation with residents.

12. HOW TO INCREASE TRADING HOURS

Should you wish to extend your trading hours then a new full application will need to be submitted and will be treated as a new application.

It is advised that this is not done at renewal stage as if objections are received and the application is referred to a Licensing Sub-Committee all hours may be considered.

When applying for additional hours the Council will determine each application on its own individual merits but generally will only permit street trading between 06.00 hours and midnight on any one day.

Any trading outside these hours will have to be approved by a Licensing Sub-Committee.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23.00 hours and 05.00 hours the applicant will also be required to apply for a Premises Licence under the licensing Act 2003.

13. SURRENDERING MY CONSENT

Should you decide that you no longer wish to trade then you will need to provide written confirmation of this fact detailing your last trading day.

Once you have ceased trading you will be required to return your Street Trading Consent plate and paper consent within 7 days of your last trading day.

Once written confirmation is received for a site further applications will be considered for the location.

14. REFUNDS

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their consent to the council.

Any fee reimbursement will be strictly on the following basis:

1. From the date the Consent is surrendered to South Gloucestershire Council, or
2. From the date the Consent is revoked by South Gloucestershire Council

Any refunds of a fee paid in connection with the granting of a Street trading Consent will be based on the following formula:

Number of complete days remaining multiplied by the daily fee **less** the current administration fee.

For Consents granted on an annual basis the daily fee will be calculated by dividing the fee paid by 365 (for the purpose of the calculation of a fee reimbursement) **less** the minimum fee charged.

APPENDIX ONE

Proof of Eligibility to Work in the UK

In accordance with the amendment to the Immigration, Asylum, and Nationality Act 2006, effective from 29 February 2008, you are required to provide proof of the Right to Work in the UK from the two lists below. These detail the documents which provide evidence of this right.

List 1

Any **one** of the documents listed below will provide the necessary evidence of the right to work in the UK. The document provided must be the **original**.

- A passport showing that the holder is a British citizen, or has the right of abode in the United Kingdom.
- A document showing that the holder is a national of a European Economic Area country* or Switzerland. This must be a national passport or national identity card.
- A residence permit issued by the United Kingdom to a national from the European Economic Area country or Switzerland.
- A passport or other document issued by the Home Office which has an endorsement stating that the holder has a current right of residence in the United Kingdom as the family member of a national from a European Economic Area country or Switzerland.
- A passport or other travel document endorsed to show that the holder can stay indefinitely in the United Kingdom, or has no time limit on their stay.
- A passport or other travel document endorsed to show that the holder can stay in the United Kingdom; and that this endorsement allows the holder to do the type of work the employer is offering if they do not have a work permit.
- An Application Registration Card issued by the Home Office to an asylum seeker stating that the holder is permitted to take employment.

* The following countries are part of the EEA:

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Iceland; Ireland; Italy; Liechtenstein; Luxembourg; Netherlands; Norway; Portugal; Spain; Sweden; United Kingdom; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia; Bulgaria and Romania.

Notes:

- Nationals from Bulgaria and Romania require work authorisation documents and are restricted in the jobs they can do.

List 2

Two of the documents in the combinations listed below will provide evidence of the right to work in the UK. The documents provided must be the **originals**.

First Combination

- A)** A document giving a person's permanent National Insurance number and name. This could be a: P45, P60, National Insurance card, or a letter from a Government agency

AND one of the following documents

- B)** A full birth certificate issued in the United Kingdom, which includes the names of the holder's parents **or**
- C)** A birth certificate issued in the Channel Islands, the Isle of Man or Ireland **or**
- D)** A certificate of registration or naturalisation stating that the holder is a British citizen **or**
- E)** A letter issued by the Home Office which indicates that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- F)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay indefinitely in the United Kingdom or has no time limit on their stay **or**
- G)** A letter issued by the Home Office which indicates that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering **or**
- H)** An Immigration Status Document issued by the Home Office with an endorsement indicating that the person named in it can stay in the United Kingdom; and this allows them to do the type of work that the employer is offering.

Second combination

- A)** A work permit or other approval to take employment that has been issued by Work Permits UK

AND one of the following documents

- B)** A passport or other travel document endorsed to show that the holder is able to stay in the United Kingdom and can take the work permit employment in question **or**
- C)** A letter issued by the Home Office confirming that the person named in it is able to stay in the United Kingdom and can take the work permit employment in question.