

STREET TRADING CONSENT INFORMATION NOTES **FOR NEW APPLICANTS**

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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. STREET TRADING

If you trade in the street you may require a Street Trading Consent.

Street Trading is defined as the selling or offering for sale of any article in the street. This includes food such as ice cream and kebabs.

A street is defined as “any road, footway, beach or other area to which the public have access without payment” therefore this may include both public and private land.

6. IS A CONSENT REQUIRED?

Within the Street Trading legislation there is a list of exempted street trading activities.

This list can also be found within section 1.3 of the current Street Trading Policy.

In addition to this list South Gloucestershire Council also receives numerous questions about car boot sales, farmers markets and one off community based events.

The following aims to clarify the position on if a Street Trading Consent is required.

One Off and Community Based Events

One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside the scope of the scheme and not require any form of street trading consent.

If the purpose of the event is more than a one off event or is of a commercial nature then it would be caught by the policy and an application required.

A letter of intent/confirmation from the community organisers would normally satisfy the Local Authority.

It is assumed that the community event organisers will have consulted with residents and businesses prior to holding the event

Car Boot Sales

Where the events are commercial in nature and operating on a more regular basis than a one off, then the event will require a street trading consent.

Farmers Markets

Where the events are commercial in nature and operating on a more regular basis than a one off, then the event will require a street trading consent.

Paying for access

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent

7. WHAT TYPE OF CONSENT

There are three different types of consents that can be applied for they are Static Consent, Mobile Consent and Block Consent.

Further details of each are provided below:

Static Consent

Static consents are applied for by traders who want to trade from one specific location. An example would be a burger trailer which trades everyday from the same lay-by.

Please note that even though a static consent allows you to trade from a specific location, the unit must be moved from this site outside of trading hours.

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

Mobile Consent

Mobile consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

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

Block Consent

Block consents are often applied for by organisers of street trading events involving more than one trader.

With block consents the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up to date list of all traders operating at any one time. This list must be presented to Police or Council Officers upon request.

8. 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.

9. FEES

A list of current fees can be found within the current Street Trading Policy.

The following Street Trading activities have been deemed by South Gloucestershire Council to not require the payment of fees to the council (however an administration charge is still payable):

1. Non-Commercial (community) Car Boot Sales
2. Farmers Markets
3. Fetes, Carnivals and similar community based and run events
4. Sales of articles by residential occupiers within the cartilage of their properties, or on land contiguous with it.

10. CHOOSING A LOCATION TO TRADE

When choosing a prospective pitch and deciding on the hours to trade it is advised that you consider a number of issues, some of which are:

- Would the proposed location have a detrimental effect on road safety
- Would the proposed location obstruct pedestrian or vehicular traffic
- Are there current or planned traffic orders or waiting restrictions in place
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.
- Would the proposed location potentially increase public order problems

11. 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.

12. HOW TO APPLY FOR A NEW APPLICATION

To apply for a street trading consent you will need all of the following:

- A completed application form
- A deposit of 25% of the full fee or a minimum fee of £50 will be required upon application. Fees for less than 15 days will require submission of the full fee with the application
- Five copies of a map showing the intended trading location (at least 1:1250 scale) – This can be produced for you by the Licensing Department for a fee.
For current fee please refer to fees within the current Street Trading Policy.
- Three colour photographs of the proposed trading unit
- An original copy of Third Party and Public Liability Insurance for the proposed unit (at the point of application an original quote will be accepted but no consent will be granted without an original certificate of insurance being seen).
- 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 (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 proposed trading site upon submission of the application. This must remain in place until the application is determined. (Blank notices can be requested from the Licensing Team).

13. 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.

14. 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.

15. REFUNDS

Should an application be refused then any deposit paid (minus an admin fee) will be returned to the applicant.

Should an application be withdrawn during the consultation process then the deposit paid may be forfeited.

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.