

**South Ribble Borough
Council
Public Health
Service**

**Policy for
Regulating
Street Traders**



1. Purpose

- 1.1 South Ribble Borough Council's street trading policy has been adopted to encourage a street trading environment which complements premises-based trading, while remaining sensitive to the needs of residents.
- 1.2 It seeks to provide a transparent and consistent approach for dealing with applications from individuals who wish to engage in street trading.

2. What is Street Trading?

2.1 Street Trading is the selling, exposing or offering for sale, any article in a street. A 'street' includes any road, footway or other area to which members of the public have access without payment.

2.2 It does not include: -

- a) trading as a pedlar under the authority of a pedlars' certificate granted under The Pedlars Act 1971;
- b) anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order;
- c) trading in a trunk road picnic area provided under The Highways Act 1980;
- d) trading as a news vendor;
- e) trading at (i) a petrol filling station
(ii) a shop or in a street adjoining premises so used as part of the business of the shop;
- f) selling things, or offering or exposing them for sale as a roundsman.

NB. The High Court held in *Kempin v Brighton & Hove Council* [2001] that 'roundsman' means 'one who goes the round of his customers for orders and the delivery of goods'

The reference to trading as a news vendor in (d) above is a reference to trading where:

- 1) the only articles sold or exposed for sale are newspapers or periodical; and
- 2) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not :-
 - i) exceed 1m in length or width or 2m in height;
 - ii) occupy a ground area exceeding 0.25sq.m;
 - iii) stand on the carriageway of a street

3. Where can Street Trading take place?

- 3.1 South Ribble Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and designated all streets across the Borough as 'consent streets' for street trading purposes, with the exception of a number of streets which have been designated as prohibited.
- 3.2 Anyone wishing to trade in a 'consent street' must obtain the consent of the council before they engage in street trading activities.

- 3.3 A 'prohibited street' means a street in which trading is prohibited. The following streets are currently prohibited.

Walton Summit Rd	From the A6, Preston Road to 50 metres beyond its junction with Cocker Road
Four Oaks Rd	From the A6, Preston Road to 50 metres beyond its junction with Cocker Road
Brierley Rd	From the A6, Tramway Lane to 50 metres beyond its junction with Walton Summit Road
Tramway Ln	The whole length
Whalley Rd (A59)	The whole length of the lay-by off the east bound carriageway
Titan Way	Between Comet Road to 50m beyond its junction with Bison Place.

4. Issue of Street Trading Consents

- 4.1 A Consent will not be granted to any person under 17 years of age.
- 4.2 The Council may refuse to grant a Consent, if the applicant is deemed unsuitable by reason of being convicted of an offence or for any other reason.
- 4.3 The Council reserves the right to consult Lancashire Constabulary in order to satisfy itself as to the suitability of any applicant, to hold a Consent.
- 4.4 Annual Consents will be granted from 1st April – 31st March the following year.
- 4.5 Trading will generally be permitted between the hours of 07:30 and 23:00 on Monday to Saturday inclusive. Vendors of refreshments, ice cream and ice-lollies may also trade between the hours of noon and 23:00 on Sunday.
- 4.6 Applications for consent to trade outside these hours will be considered on a case by case basis.
- 4.7 The council will determine and publish its fees and charges each year. Annual consents granted during the 12 month period will attract a pro-rata fee.

Payment by instalments is available. The system for paying instalments is by **Direct Debit** only. The Direct Debits will be in ten monthly payments from May to the following February inclusive, for each period of consent.

PLEASE NOTE :-

- 1) No other form of instalment will be accepted other than the Direct Debit system.
- 2) Failure to meet the Direct Debit payment will result in the Consent being automatically cancelled.
- 3) This instalment facility is not available for a period of less than six months.
- 4) An administration charge will be charged against any Consent that is surrendered during the 12-month period, in line with the current fees and charges.
- 5) Surrendered Consents will be charged for whole and part months when trading has taken place.

5. Nature of goods on offer

- 5.1 The nature of the goods which may be sold under the Consent will be specified and any deviation from the approved list, without consultation with the Local Authority, may result in the Consent being revoked.
- 5.2 The Council will not grant a Consent that authorises the sale of alcohol or tobacco.
- 5.3 The Council will not grant a Consent that authorises the sale of motor vehicles, as trading of this nature is regulated under part 2 of the Clean Neighbourhoods and Environment Act 2005.
- 5.4 The Council will not grant a Consent to allow any street trader to sell the same or similar goods within 500 metres of an existing fixed retail premises, while that premises is open for business. Street traders shall not sell hot food take-away of any description, within 500 metres of a retail shop selling hot-food takeaway as its principal business, during the hours of operation of the particular shop.
- 5.5 The Council will no longer grant new Consents to allow a street trader to sell any hot food take-away within 400* metres of any primary, secondary school or sixth form college. Street trading businesses established prior to the introduction of this policy, will be permitted to continue to trade within the exclusion zone.

6. Licensing Act 2003

- 6.1 Any street trader wishing to sell hot food or drink between the hours of 23:00 and 05:00 must also hold a Premises Licence or valid Temporary Event Notice, authorising the provision of Late Night Refreshment, under the Licensing Act 2003.

7. Car Boot Sales

- 7.1 Applications for a Daily Street Trading Consent for car boot sales will be required prior to the event taking place and subject to the payment of the appropriate daily rate, indicated in the current fees and charges.
- 7.2 The Council holds a Market Charter therefore will not grant a street trading consent for any commercial car boot sale wishing to operate within 6 2/3 miles of the Borough Councils market.
- 7.3 The Council will however consider applications from wholly charitable, sporting or community based organisations, where the whole of the proceeds from holding the sale, will be made available to the organisation that is given consent, subject to the deduction of reasonable direct expenses incurred in holding the sale.
- 7.4 The Council will not however grant a Consent to charitable, sporting or community based car boot sale within the Market Charter zone, on a Leyland Market Trading Day.
- 7.5 Nothing in this policy obviates the need for applicants to obtain the consent of any other Market Authority, i.e. Preston City Council, whose market would be disturbed by the grant of a Consent by South Ribble Borough Council.
- 7.6 The Council will issue a single Consent which will authorise a number of pitches or spaces. The application will attract the daily fee in line with the Councils current fees and charges:
 - a) Category 1 event – up to 12 pitches/spaces
 - b) Category 2 event – over 12 pitches/spaces

- 7.7 Consents will specify the number of pitches/spaces authorised but will not be granted for any event involving 50 or more pitches or spaces.
- 7.8 No more than 2 daily Consents will be granted for the same site within the period identified in 4.4 above.
- 7.9 The council reserves the right to refuse permission to hold a car boot sale on the grounds that it is likely to detrimentally affect the legitimate markets and fairs of the Borough, or is unnecessary or undesirable for any other reason.

8. Street Trading for which fees will not be payable

- 8.1 South Ribble Borough Council will not require applications for consents or payment of fees in respect of
- Sales of articles by householders on land contiguous with their homes, 'garage sales'
 - Farmers Markets and events of a similar nature.

9. Planning Permission

- 9.1 Where planning consent is required, the onus is on the applicant to obtain the relevant permission prior to making an application for a street trading consent.

10. Advertisements

- 10.1 Traders wishing to advertise outdoors must ensure that:-
- They have the express permission of the land owner to advertise thereon. If the advertisement is to be placed on the public highway such permission must be granted by the Highway Authority.
 - All outdoor advertisements must not obscure or hinder the interpretation of any official road, rail, waterway or aircraft sign, or otherwise make hazardous the use of these types of transport.
 - All outdoor advertisements must be maintained in a clean, tidy and safe condition.
 - Advertisements are removed from site without causing damage, if required by the Council

11. Application process

- 11.1 Applicants wishing to trade on the public highway should contact the Lancashire Highway Authority to discuss the suitability of the location they wish to trade from, prior to making their application to the Council.

Only applications submitted on the official application form will be considered.

Applicants must include with their application:

- i) 2 passport sized photographs of the trader and any/all assistants
- ii) The fee, or a completed Direct Debit mandate

- iii) Proof of Public Liability Insurance of no less than £2million
- iv) Proof of Employers Liability Insurance (if applicable)
- v) Proof of a valid drivers licence for driver(s) of the towing vehicle (if applicable)
- vi) Proof of a valid certificate of insurance, MOT certificate and registration certificate for the towing vehicle (if applicable)
- vii) A copy of the Food Hygiene Registration if registered with a local authority other than South Ribble Borough Council (if applicable)
- viii) Proof that all food handlers have attained level 2 food safety training
- ix) Proof of a current gas safety certificate (if applicable)

The Council will return any document required by sections iii – ix to the applicant in a timely manner and will not keep duplicate copies on file.

12. Conditions and Enforcement

- 12.1 Standard conditions will be attached to each street trading consent detailing the holder's responsibility to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. (Appendix A)
- 12.2 The Council will also attach such conditions deemed necessary / appropriate from the remaining pool of conditions. (Appendix B)
- 12.3 The Public Health Manager may review and amend the conditions set out in appendices A and B in response to new case law or emerging trends.
- 12.4 The Council reserves the right to revoke street trading consents with immediate effect in the following circumstances:
 - a) Failure to comply with conditions,
 - b) Non-payment of fees
 - c) Traders or their assistants found to be under the influence of any illegal or intoxicating substance whilst operating in reliance on the consent
- 12.5 Persons undertaking street trading without consent, who are not exempt by virtue of 2.2 above, will be the subject of enforcement action. This includes any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with that Act.
- 12.6 It is an offence under Schedule 4, Reg 10, of the Local Government (Miscellaneous Provisions) Act 1982 to: -
 - a) engage in street trading in a prohibited street;
 - b) engage in street trading without a Consent in any consent street;
 - c) trade in contravention of a principal condition in a Street Trading Consent
 - d) make a false statement (in a material aspect) in an application for a consent.

A person contravening any of the above is likely to have their consent revoked and/or be prosecuted in the Magistrates Court for the offence. On summary conviction the maximum fine is currently £1,000 (Level 3 penalty).

- 12.7 The Act provides a defence where a person charged with an offence indicated in 12.6 above, can prove that they took all reasonable precautions and exercised all due diligence, to avoid commission of the offence.

Standard Conditions

In these conditions: “The Council” means South Ribble Borough Council
 “Trader” means the holder of the street trading consent
 “Your Assistant” means any person, or persons who assists the holder of a consent to trade, whilst trading under that consent and who has been notified to and approved by the Council.

- 1) This consent is non-transferable, either in terms of the holder, or the vehicle, cart, barrow or other moveable stall to which it relates.
- 2) The trader shall not assign, underlet or part with his interest or possession under this consent without first informing the Council in writing.
- 3) The trader shall inform the Council in writing within 21 days of any changes to the addresses provided in the application, including the applicant, staff, or the address where the vehicle is kept.
- 4) The trader shall ensure that the Council has details of all persons employed to undertake street trading activities under the authority of this Consent. The Council reserves the right to prohibit assistants from working under the authority of this Consent if they have been convicted of an offence, or for any other reason.
- 5) The trader shall ensure that a valid street trading consent is displayed prominently on the vehicle, cart, barrow or other moveable stall to which it relates, at all times that he is operating in reliance on the Consent.
- 6) Trading shall only take place between the hours of 07:30 and 23:00 on Monday to Saturday inclusive, except vendors of refreshments, ice cream and ice-lollies who may also trade between the hours of 12:00 and 23:00 on Sunday. [Permitted hours subject to variation, in accordance with section 4.6 of the Council’s policy on regulating street trading]
- 7) A trader shall not sell alcohol or tobacco products or motor vehicles.
- 8) A trader shall not trade within 500 metres of a retail shop selling similar goods as its principal business, during the opening hours for the particular shop.
- 9) A trader shall not sell hot food take-away of whatever description, within 500 metres of any fixed retail shop selling hot food take-away as its principal business, during the opening hours of the particular shop.
- 10) A trader shall not sell any hot food take-away within 400* metres of any primary or secondary school or sixth form college, whether within or outside Local Education Authority control
- 11) A trader shall at all times maintain a valid Third Party Public Liability Insurance policy for not less than £2 million and shall produce a certificate of such insurance, without undue delay, upon the request of an authorised officer of the Council.
- 12) Where trading takes place on private land, the trader must have written permission from the land owner that trading may take place and shall produce evidence of such permission, without undue delay, upon the request of an authorised officer of the Council

* 400 meters measured in a straight line

- 13) Only those goods specifically authorised by the Consent may be sold or offered for sale.
- 14) All goods shall be clearly priced and goods sold by weight or number shall indicate the unit of quantity in which they are being offered for sale.
- 15) Traders or their assistants must not be under the influence of any illegal or intoxicating substance whilst operating in reliance on this Consent.
- 16) The trader shall not cause or permit nuisance or annoyance to persons occupying nearby residential or commercial premises as a result of their street trading activities.
- 17) The trader shall not obstruct any right of way, fire hydrant, manhole, street or persons using it.
- 18) The trader shall provide adequate receptacles for rubbish and ensure that all waste and litter is removed from site and appropriately disposed of.
- 19) Any outdoor advertisement must be removed so as not to cause damage at the request of an authorised officer of the Council.
- 20) The trader shall make such provision as is necessary to prevent any discharge of water or effluent from the street trading activity to any surface drainage or any other watercourse.
- 21) The trader or assistant shall produce on request to an authorised officer of the Council, Lancashire Constabulary or Trading Standards, evidence of their identity, whenever they are operating in reliance on the Consent.
- 22) The vehicle, cart, barrow or other moveable stall, must be returned to and stored at the approved address given on the Consent, whenever it is not being used for street trading purposes.
- 23) The trader shall at all times ensure compliance with legislation relevant to the conduct of the business, in particular :-
 - i) Any vehicle used must be in a roadworthy condition, taxed and insured;
 - ii) Any vehicles used shall not be sited in contravention of parking restrictions;
 - iii) Any vehicle or stall used for the sale of food shall comply at all times with the Food Hygiene (England) Regulations 2006 and associated European Food Safety legislation including Reg (EC)No. 852/2004
 - iv) Any vehicle or stall used shall comply at all times with the Health And Safety at Work etc Act 1974 and Regulations made thereunder
 - v) Any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act 1974 and the Environmental Protection Act 1990

Food Trading Conditions

- 1) The trader and any assistants who are involved with the handling of high risk food, must be trained in food hygiene matters, or supervised and instructed appropriate to their work activity.

In practice there must always be at least 1 person who holds as a minimum, the Chartered Institute of Environmental Health level 2 award in food safety, or equivalent.

- 2) Evidence of such training must be available for examination, without undue delay, to an authorised officer of the Council on request.

Car Boot Sale Conditions

- 4) The site of the sale and all access roads and footways, must be left in a clean and tidy condition and free from litter immediately after the close of the sale.
- 5) The number of pitches or spaces at the sale must be specified at the time of application.
- 6) The trader must not exceed the number of pitches or spaces specified in the Consent.
- 7) Each and every trader shall sell or display only articles surplus to their own domestic requirements, usually described as jumble or bric-a-brac, including books, records, small second hand domestic furniture and equipment etc.
- 8) Bought in goods, purchased for resale may not be sold at the sale, other than second hand goods owned by the individual stall holders.
- 9) All goods must be sold from individual traders' vehicles and not from a stall. It is however permissible for traders to erect tables within their designated space, to display their goods.
- 10) Pitches or spaces must not be given to commercial traders, and no vans exceeding 10 cwt carrying capacity or commercial vehicles will be permitted.
- 11) The organiser shall not cause or permit any noise or nuisance to the residents in the vicinity of the sale.
- 12) The organiser shall not cause or permit notices or posters advertising the car boot sale to be displayed on lamp-posts, buildings etc., without the permission of the owners of these premises, or in contravention of Planning Legislation.
- 13) The organiser must have written permission for the use of the site and a copy of this permission must be forwarded with the application. Failure to do so will result in the application being refused.
- 14) Consent will not be granted for future car boot sales, to any person or organisation who operate in breach of any of these conditions.

Local Government (Miscellaneous Provisions) Act 1982
Section 3, Schedule 4, Part 7 – STREET TRADING



Application for a Street Trading Consent

1. Applicant details

Full Name: Mr / Mrs / Miss / Ms

Address:

.....

Postcode: Date of Birth:

Telephone No: Mobile No:

Email:

2. Vehicle Details ('vehicle' includes, cart, barrow, or otherwise movable stall)

Trading Name:

Registration / Distinguishing number:

Make and Model / Description:

.....

Colour: Livery:

The address where the vehicle / food will be stored overnight

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3. Relevant documentation

Public Liability insurance (minimum £2 million) Yes No proof seen by _____

Employers Liability insurance (if applicable) Yes No proof seen by _____

Valid drivers licence for driver(s) of the towing vehicle (if applicable) Yes No proof seen by _____

Certificate of vehicle insurance (if applicable) Yes No proof seen by _____

- MOT certificate (if applicable) **Yes** **No** proof seen by _____
- V5 certificate for the towing vehicle (if applicable) **Yes** **No** proof seen by _____
- Food Hygiene Registration certificate (if applicable) **Yes** **No** proof seen by _____
If food business is registered with a local authority other than South Ribble Borough Council
- Gas safety certificate (if applicable) **Yes** **No** proof seen by _____
- Consent from land owner to trade (if applicable) **Yes** **No** proof seen by _____

4. Trading Details – only articles notified to and approved by the Council, may be sold under the Consent

Details of all hot food to be sold:

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Details of all cold food to be sold:

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.....

Detail of all other items to be sold:

.....

.....

5. Staff Details - Please give the names of all staff and complete the training questions for all food handling staff:

Name	Attended level 2 Food Hygiene Training	Proof available
1.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Continue on a separate sheet if necessary

6. Food Traders only - is the vehicle / staff provided with:

- Wash hand basin and hot water **Yes** **No**
- Sink and hot water **Yes** **No**
- Suitable waste water container **Yes** **No**
- Suitable rubbish bins with lids **Yes** **No**

First Aid Kit Yes No

Fire Extinguisher Yes No

Fire Blanket Yes No

8. Statutory Declaration

I understand that the Consent will not be issued until the Council has received payment or a completed direct debit mandate and that failure to pay just one monthly payment will result in the automatic cancellation of the Consent.

I have read and understand South Ribble Borough Council's policy on Street Trading and understand that any failure to comply with the conditions of a Street Trading Consent may result in my Consent being revoked.

I am over 17 years of age.

I enclose 2 passport sized photographs

I declare that all the information given in this application is true to the best of my knowledge and belief and I understand that any information I have provided, which is subsequently found to be false or incorrect, may result in the revocation or refusal of a Consent and/or prosecution.

Signed:

.....
Print Name

.....
If signing on behalf of a Company or Partnership, state position held

Date:

If you require any help completing this application form contact Public Health on 01772 625340
Please return the completed application form and all required documents to :-

Public Health
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
PR25 1DH

FOR OFFICE USE ONLY		
Application Received:	Direct Debit Requested:	Fee Paid: £
Period of Consent:	First Payment Received:	UPRN:
Receipt No:	Consent Issued:	Consent No: