



## **STREET TRADING CONSENTS**

### **Operating Policy For Street Trading Local Government (Miscellaneous Provisions) Act 1982, Section 3 and Schedule 4. Amended Sept 2009**

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## Index

	<b>Section</b>	<b>Page No</b>
	<b>Introduction</b>	<b>3</b>
	<b>Definitions</b>	<b>3</b>
	<b>Restrictions on Trading</b>	<b>5</b>
	<b>Conditions</b>	<b>6</b>
	<b>The Application process</b>	<b>9</b>
	<b>General issues</b>	<b>11</b>
	<b>Determination of the Grant of Permits</b>	<b>12</b>
	<b>Review of Permit</b>	<b>13</b>
	<b>Consultees to applications</b>	<b>Appendix A</b>
	<b>Example of notice</b>	<b>Appendix B</b>

## Introduction

1. The business of selling goods to the public in streets and public places is known as “**Street Trading**” and is governed by The Local Government (Miscellaneous Provisions) Act 1982 which places the onus on the local authority to control “**Street Trading**” as it deems appropriate.
2. On the 27<sup>th</sup> November 1997 Torfaen County Borough Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading by means of prohibited and consent streets. They resolved to class the following streets as prohibited streets;
  - A472 Pontymoile Gyratory, Crumlin Road,
  - A4043 Pontypool Western bypass, including St Lukes Road, Snatchwood Road, Broad Street, New Road, and Cwmavon Road,
  - A4051 Cwmbran Drive, and
  - Treherbert Road, Croesyceiliog,

and the streets specified on the attached schedule as consent streets

## Definitions

**Consent Street:** is defined as “a street in which street trading is prohibited without the consent of the County Borough Council”. Therefore a permit will be required from the Council before Street Trading can take place in any street except for those specified below.

**Prohibited Streets:** is “a street on which street trading is prohibited”.

**Street:** The definition of “street” is defined under the Local Government (Miscellaneous Provisions) Act 1982 as including:

“Any road, footway, beach or other area to which the public have access without payment, and service areas as defined under Section 329 of the Highways Act 1980”.

**Street Trading:** means the selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:-

- trading as a pedlar under the authority of a “Pedlars Certificate”
- anything done in a market or fair the right to hold which was acquired by virtue of a grant enactment or order

- trading in a trunk road “Picnic Area”
- trading as a petrol filling station or shop
- selling things as a “roundsman”
- trading as a news vendor, which means that the only articles sold or exposed or offered for sale are newspapers or periodicals; and 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 :-
  - (a) exceed 1meter in length or width or 2meters in height.
  - (b) occupy a ground area exceeding 0.25 square meters.
  - (c) stand on the carriageway of a street.

## **Restrictions on Trading**

In order to control the potential for crime, disorder, public safety and public nuisance the following restrictions will be imposed by the authority. Any application to operate which may breach these restrictions will be determined by the licensing panel (See page 12).

1. Street Trading consents will not normally be granted at any time on sites that are within 100 metres of any residential property.
2. Street Trading consents will not normally be granted between the hours of 11:00 p.m. and 5:00 a.m. on sites that are within 250 meters of any residential property.
3. Street Trading consents will not normally be granted at any time on sites that are within 250 meters of any residential care home.
4. Street Trading consents will not normally be granted between the hours of 11:00 p.m. and 5:00 a.m. on sites that are within 500 meters of any residential care home
5. Street Trading consents will not normally be granted at any time on sites that are within 500 meters of any secondary school.
6. Consideration will be given to the proximity of traders and type of goods traded, to ensure that the amenities of the area are not compromised by excessive trading.
7. Consents will only be granted if authorities or permissions required by any other legislation where it is appropriate are already in place for the operation. This includes; planning permissions, late night refreshments licenses and food premises registration. You should enquire with the appropriate authority before submitting your street trading application. The list of consultees is attached at appendix A.

## **Conditions**

The following conditions will be imposed on all permits granted by the Authority:-

### **Prevention of obstruction or danger to road users**

1. Any vehicle, vessel, trolley, stall, barrow or other form of structure must be sited in accordance with highways legislation as appropriate so that no obstruction is caused to the highway or to users of any other property in the vicinity.
2. To be sited in any lay-by or otherwise off of the main carriageway.
3. Not to be sited in any Bus Bay.
4. Not to be sited within 20 meters of any road junction or pedestrian crossing.
5. Not to be sited where it would encourage children to cross any Class i, Class ii or Class iii Primary Distributor Road.
6. Any opening to face away from the carriageway.
7. Vehicles must face the same way as the traffic flow.
8. No advertising boards to be used other than immediately adjacent to the vehicle.
9. The operator must cease trading if required to do so by the Highways Authority or any of the emergency services.

### **Prevention of nuisance or annoyance**

1. No music or other broadcasts to be made from the Consent site other than with the permission of this authority
2. Litter bins to be provided and litter collected as appropriate where litter is likely to be generated.
3. A refuse contract must be entered into where refuse is likely to be generated.

### **Operating Times**

1. Operating days Monday - Saturday only (see note)

2. Operating times 5am - 11pm only.(see note)

Note – applications for trading between 11pm and 5am or on Sundays will go before the Licensing Panel for Members to decide.

### **Type of vehicle**

1. Non-motorized unit if trading on a pavement or in a pedestrianised area

### **Suitability of the site**

1. Space to trade without causing undue interference or inconvenience to others
2. Not more than one trader selling the same goods as a shop premises within 50 m of those premises, or two traders in the street as a whole
3. Sanitary facilities to be available adjacent (within 250m) to the vehicle/stall whenever the vehicle/stall is trading

### **Suitability of the applicant and employees**

1. The applicant will be trading on sufficient days, and has not previously failed to make use of the permit to a reasonable extent
2. The application of any applicant who has a criminal conviction or is considered to be unsuitable for some other reason will be the subject of a decision of the licensing panel.
3. The application of any applicant who has previously failed to pay the fee in respect of a consent or any other service provided by the authority will be subject of a decision by the licensing panel
4. The applicant and employees must be over 18.
5. No other person should be permitted to operate unless in the employ of the consent holder and acting under his/her instruction or supervision.

## **6. The Application process**

Only completed applications will be considered, on a first come first - served basis. Completed applications will consist of:

### **New Applications**

1. Completed application form, giving details of the stall, goods to be sold, etc. and on the application form which will be supplied by the Authority
2. A site plan (to scale) showing the exact trading location (this department offers an OS-based mapping system for applicants if required, for which a separate charge may be made)
3. Written permission of the land owner where trading is to take place and any permissions or consents already granted with regard to the proposed operation, e.g. planning consent
4. 2 photographs of the applicant in the same format and quality that is required for passports
5. A photograph and if applicable the registration document of the stall to be used
6. Application fee and payment details (payments can be by standing order or direct debit) Please note this is a processing fee which is not refundable. Please refer to fee table for amount of fee payable
7. Applications will require a 28 day consultation process. The details of the proposed activities will be advertised in the vicinity by
  - posting a notice close to the proposed site stating; the name and address of the applicant, the proposed activities, including times and days of operation, goods to be sold, type of vehicle stall to be used, and the exact location of the proposed site, how to make representations and the final date those representations can be made. An example of the notice is attached at appendix B
  - This notice will also be posted and/or delivered to premises in the near vicinity of the proposed site

- Copies of the application will be sent to relevant authorities as specified in Appendix A to this policy to enable them to make representations about the application

## **Renewals**

Renewals will normally be processed without consultation or the need for 2, 4, 5, 6 & 7 above unless; there is a change of circumstances, or issues that have given rise to concern during the term of the consent.

Completed applications should be brought in person to the Licensing Team, Floor 4, County Hall, Cwmbran, Torfaen. We would recommend that you ring to make an appointment, as officers are often out of the office.

**NB. Trading will not be permitted until the consent has been given to the applicant**

## **General Issues**

1. Consents will be issued for 12 months (or for a shorter period if requested)
2. Consents are granted to an individual and that person is responsible for all activities connected to the trading whether he is present or not.
3. The terms of the consent can be varied or the consent revoked, providing the consent holder is notified and given time to appeal. No other payment will be made where the consent is varied or revoked.
4. The consent holder will be permitted to change vehicles/stalls providing the new vehicle/stall complies with the conditions of the consent.
5. No other person should be permitted to operate unless in the employ of the consent holder and acting under his/her instruction or supervision.
6. The vehicle/stall must display a copy of the consent supplied by the authority and the person in charge at the time must produce it for inspection when requested by an authorised officer.
7. Consents remain the property of Torfaen County Borough Council and are issued to an individual or business and are non-transferable.
8. Renewals must be made prior to the expiry of the existing consent. Applications made after the date of expiry will be treated as a new application.

## **Determination of the grant of permits**

All permits are granted on behalf of the Licensing Committee of Torfaen County Borough Council. The Licensing Committee has set up a panel to determine applications as specified below. The Licensing Committee has delegated its authority as follows:

1. Any application which applies to be granted a permit which is outside of the restrictions and conditions imposed in this policy will be determined by the Licensing Panel. For example trading on a Sunday or between the hours of 11:00 pm and 5:00 am.
2. If no representations are received within the 28 day period then the permit will be granted in the terms applied for in the application by officers, other than where outlined above.
3. If representations are received and following consultation an agreement is reached and the representation is withdrawn the permit will be granted in the terms applied for as amended by any variations agreed in the consultation by officers.
4. If representations are made and not withdrawn then the application will be determined by the Licensing Panel having heard the representations and the applicant.
5. The Licensing Panel will determine any application to review a permit on application from a relevant authority being the authority identified in appendix A. Or person living or running a business in the vicinity if any of the restrictions or conditions in this policy is breached.
6. Any application for Grand-father rights will be granted by officers using delegated authority.

## **Review of Permit**

Any relevant authority being the authorities identified in appendix A or person living or running a business in the vicinity may apply to the Authority to review a permit if any of the restrictions or conditions contained in this policy are breached or there is any activity which breach or adversely effect health, safety, crime, disorder or public nuisance.

The Licensing Panel will consider the representation and have the power to revoke or vary the consent.

**Consultees to applications**

Below is the list of authorities, bodies or individuals that we may consult on your application for a Street trading Permit. We advise that you consult them before you submit your application.

**1. Heddlu Gwent Police**

- Licensing Office and
- Road Policing Unit

**2. South Wales Fire and Rescue**

**3. The Relevant Community Council**

**4. The County Councillors for the ward**

**5. Torfaen County Borough Council**

- Food and Safety Team
- Public Health Team
- Trading Standards Team
- Highways Department
- Crime and Disorder Partnership

**6. Any other authority that may be relevant for certain applications e.g:**

- Education Department
- Local Schools
- Local businesses
- Local residents

**Notice of application for a street trading permit under the provisions of the Local Government (Miscellaneous Provisions) Act 1982, Section 3 and Schedule 4.**

**Applicant:** *(insert applicants name here)*

.....

**Has applied to Torfaen County Borough Council for a permit to trade in the street At:**  
*(insert the exact location here)*

.....

**on the** *(describe the dates/days/times that the trading is intended)*

.....

.....

**Selling:** *(describe the general type of goods to be sold)*

.....

**Representation can be made about this application in writing to:**

**The Principal Licensing Officer  
Torfaen Licensing Authority  
PO Box 93  
Cwmbran  
NP44 7WZ**

**Representation must be received before the** *(insert date 28 days from date of submission of the application)*