

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR THE GRANT/ RENEWAL OF A STREET TRADING CONSENT**

**PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN INK**

<b>Personal Details</b> (the details on this page will not be passed on to consultees other than the Police)	
<b>Applicant(s)</b> Name: Address:  Postcode Tel no: Date of Birth:	1.      2.      
Address where vehicle/unit is normally kept.	
If trading on private land, name & address of owner.	
Address where any food is stored or prepared.	
Food handlers & details of food hygiene training	Name(s)
	Food Hygiene training
<b>If you wish to renew a street trading consent, what is the consent number?</b>	

I/we\* hereby apply for the grant/renewal\* of a street trading consent in accordance with the particulars provided on this form. I/we declare that I am/we are\* not under the age of 17 years and that all of the information in this application is true. I/We am/are aware of the Council's Standard Conditions applicable to all Street Trading Consents and agree to comply with them.

*(It is an offence to make a false statement in connection with this application). \*delete inapplicable*

Signature(s) of applicant(s) \_\_\_\_\_

Date: \_\_\_\_\_

**(please complete particulars overleaf)**

**Office use only**

Unit inspection date		Inspecting officer	
Comments			
Approved? (New applications only).	Yes	No	Manager's signature
Fee paid	£	Date received	Initials
Cost code: 3021 Account code: K36	A/N K808 VAT: S5	Receipt no.	Date issued

# APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING CONSENT

## TRADING PARTICULARS

<b>Type of consent required.</b> (please ✓)	<b>Band 1 (static)</b>		<b>Band 2 (static)</b>		<b>Itinerant</b>		
<b>Static Site Location</b> <b>[please provide a map of suitable scale identifying the precise location(s)]</b>							
Precise location(s) of site(s) to be used for trading:							
Is this land privately owned?		If “yes” do you have owner’s permission to trade on the site?					
<b>Itinerant consent (trading area)</b>							
List specific parishes or enter “whole District”.							
<b>Articles to be sold</b>							
Full description of Articles to be sold.							
<b>The street trading unit (please provide a colour 6” by 4” photograph)</b>							
Full description of vehicle or stall including dimensions and registration mark. (dimensions should include any area around the unit used to display articles)							
What arrangements have been made for persons on a static unit to have access to toilet facilities?							
<b>Trading Periods (indicate which days of the week and hours of the day you wish to trade)</b>							
	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>From</b>							
<b>To</b>							
If you will not be trading for the whole year, state trading months							

### Street trading Consent Fees

*\*Details of fees for Street Trading Consents are provided in the attached Advice Notes. If this is a new application **do not** send in any money until your application has been considered and you have been told of the decision. If your application is approved your certificate will be issued on receipt of the appropriate fee.*

The information requested on this form is required in order to process your application. Copies of your application will be referred for consultation purposes to other Council Departments, Ward Councillors, other local authorities and other agencies as appropriate. Details may also be passed to employees of the Council to carry out any professional assessment required and provide expert advice. Information may become public if your application or other information supplied is relevant to enforcement action taken by the Council. Where legally obliged by Court Order the Council may be required to disclose the information to third parties. If your application is approved details of any certificate issued will be kept in a public register available for inspection at the offices during normal office hours.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see Stroud District Councils website [www.stroud.gov.uk](http://www.stroud.gov.uk) using the following link [http://www.stroud.gov.uk/docs/democ/data\\_matching.asp](http://www.stroud.gov.uk/docs/democ/data_matching.asp) or contact Michael Nadin in Internal Audit by email on: [michael.nadin@stroud.gov.uk](mailto:michael.nadin@stroud.gov.uk) or by telephone on: 01453 754122

**THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

Stroud District Council  
Environmental Health Service  
Ebley Mill  
Westward Road  
Stroud  
Glos GL5 4UB

**NOTE: It is important that the Consent Holder should understand and at all times observe these conditions. Any breach of any Condition could result in revocation of the Street Trading Consent**

**STANDARD CONDITIONS APPLICABLE TO STREET TRADING**

1. A Street Trading Consent is valid only for the period specified in the document granting Consent.
2. A Consent may be revoked at any time by the Council.
3. A Consent shall not be assigned or transferred.
4. A Consent is required in respect of each street trading unit, i.e. for each vehicle, stall or other street trading facility or structure used as a "sales point".
5. At all times when articles are being sold or offered or displayed for sale, Consent Holders shall permanently and clearly display on the street trading unit, in a conspicuous position readily visible to the public, a valid identification disc or card, such disc or card being that issued by the Council.
6. The Consent Holder and/or his/her employees or assistants shall sell/offer for sale only Authorised Goods; that is to say, only such goods or types of goods as may be specified in the Street Trading Consent granted to the Consent Holder. Unless otherwise specified in the Schedule to the Consent document, stock-in trade shall be deemed to be that described in the Application for Street Trading Consent.
7. When departing from a street trading location, the operator of the street trading unit shall ensure, as far as is reasonably possible, that the location and surrounding area is cleared of waste (including litter caused by members of the public) arising from the trading. No waste matter shall be discharged into or allowed to enter any highway drain or water course. (NB: for these purposes the term 'surrounding area' refers to all public land that is open to the air, within a 50 metres radius from the trading location over which the public have access).
8. Street Trading from the unit to which these Conditions apply shall be limited to the days of the week and between the hours stated in the consent certificate. Trading is not permitted outside those hours.
9. The Consent Holder shall not operate the street trading unit, or cause or permit to be so operated, on any privately-owned or District Council-owned land unless there has been obtained, as the case may be, the owner's or the Council's written permission to do so.

10. No street trading unit shall be located and no street trading activity shall be carried on so as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance by reason of the street trading activities.
11. Every static street trading unit and any vehicles or equipment associated with it shall be removed from the site at the end of the day. The unit must not be left on site when not in use.
12. The Consent relates only to the unit described in the application or as defined on the certificate of Consent. The unit may not be replaced or altered without the written permission of the Head of Environmental Health. The use of awnings; external display stands and the positioning of tables, chairs and sunshades around the unit are also prohibited without the written permission of the Head of Environmental Health.
13. Holders of an itinerant class of street trading consent must not trade in one place for more than 20 minutes at a time and must not return to the same location (or to any other location within 200m) in the same street, on the same day. Traders who wish to trade in one place for a longer period of time must apply for a **static** street trading consent.
14. The display of advertising signs, other than on the unit itself, is prohibited.
15. Noise from the use of amplified audio equipment or electricity-generating equipment must not be audible beyond a distance of 10 metres from the street trading unit.
16. The Consent Holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The Consent Holder shall ensure that the facilities available are made use of.
17. The Consent Holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from his/her trading. The Consent Holder will make available the relevant documentation as proof of compliance at the request of an authorised officer of the Council.
18. If and when required, the Consent Holder shall present the street trading unit to an officer of the Council for inspection.
19. The Council reserves the right to refuse to renew a static street trading consent if the applicant has not, without reasonable cause, traded at the site on a regular basis in the previous 6 months. In such circumstances the street trading consent may be granted to another applicant.
20. Street Trading shall not be carried on at any time unless the appropriate fee for Street Trading Consent has been duly paid to the Council. The fee due is to be determined by reference to Table 1 "Street Trading Consents: Scale of Fees".  
**(See also "Advice Notes" attached).**
21. **The Council may vary or make additions to the Conditions applying for any or all Street Trading Consents, at any time.**
22. The Street Trading Consent document must be produced for inspection by an Officer of the Council or a Police Officer within 48 hours of such a request having been made.

**STREET TRADING IN THE AREA OF STROUD DISTRICT COUNCIL**

**ADVICE NOTES**

**1. WHAT ARE STREET TRADING CONSENTS?**

Stroud District Council has adopted a law which makes it illegal for any person to engage in street trading, in any street within the District, without the consent of the Council. The Council charges a fee for issuing a Street Trading Consent and attaches conditions to the Consent which must be complied with.

**What is a Street?** For these purposes the term “street” has a very wide meaning and includes “any road, footway, beach or other area to which the public have access without payment.” It also includes a motorway service area.

**Trading on Private Land.** Even private land may be regarded as a “street” if the public have access without payment. You will need to obtain both the consent of the landowner and of the Council. Units which are moved on and off a site on a regular basis will require street trading consent. Units which are permanently installed on a site (even if they are capable of being moved) will need planning permission. If planning permission is granted for a permanent unit then it will not normally require a street trading consent.

**Street trading** is defined as “the selling or exposing or offering for sale of any article (including a living thing) in a street.” The law would not, therefore, apply to services, such as polishing shoes, or to a contract made on the street. This means that, for example, the activities of a street photographer would not require consent unless the photograph was immediately delivered to the purchaser. Street collections for charity are subject to separate regulations, which are also administered by the Council.

If you sell articles door to door and the transaction does not take place in the street, such as a milk round, then the activity is exempt. News vendors trading from a “receptacle” or a small stall are also exempt.

Certain market sites are exempt from the street trading requirements and the Council may waive the conditions for occasional, organised events but for practical purposes all streets in the Council’s District should be regarded as “consent streets”.

**2. WHAT TYPE OF CONSENTS?**

The Council issues two types of Street Trading Consent depending on the length of time a particular site is occupied.

**STATIC**

Static street trading consents are normally issued for a stall or vehicle which remains in one place or which visits several sites for long periods. Because of the impact static traders may have on a particular locality we normally consult widely before deciding whether or not to grant consent.

Static Consents are more expensive than Itinerant Consents and reflect the market value of particular sites. Band 1 sites are considered to be prime sites and will normally include sites which are within or adjacent to established shopping areas (see Scale of Fees below).

### **ITINERANT**

**Itinerant** consents are issued to traders who wish to move from place to place. In order to qualify for an itinerant consent traders must not remain in one place for more than 20 minutes at a time and must not return to the same location or to any other location, within 200m, in the same street, on the same day. Traders who wish to remain in one place for a longer period of time must apply for a *static* street trading consent.

### **3. HOW TO APPLY FOR A CONSENT**

If you wish to apply for a Consent for the first time, or if the details on your Consent have changed significantly, you should complete the application form in full giving precise details of your proposed activities including a description and measurements of your unit (and a photograph); the type of goods you wish to sell; the days and hours on which you wish to trade and, in the case of Static Consents, a map or maps of suitable scale showing the precise location of the site where you wish to trade.

In the case of applications for Static Consents the Council may consult with other agencies such as the Police: County Council and Parish Council before making a decision. This normally takes about 4 weeks.

The Council does not keep a list of suitable Static Street trading sites but some locations are known to be unsuitable for various reasons, in which case you will be told immediately. It is recommended that you identify a place or places where you would like to trade and then discuss the matter informally with an officer before you make an application. The following considerations may help you select a suitable site:-

- Access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units.
- Lay-bys on main roads must have good visibility to ensure the safety of traffic entering and leaving the site and there must be plenty of room for customer's vehicles (including HGV) to park.
- Locations close to residential property are unlikely to be suitable due to the possible nuisance to residents.
- Street trading units in town centres must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises.
- There may be issues of public disorder associated with food vendors who wish to trade in to the late evening.
- Street trading is not permitted on any public car park owned by Stroud District Council.

### **4. LIMITATIONS OF STREET TRADING CONSENTS**

A Street Trading Consent is not a ticket which will reserve a particular location for your exclusive use. It merely entitles you to trade lawfully in consent streets within the Council's area. Remember, there are many other users of streets - car drivers, for example, may have every right to park in your favourite place if they get there first. However, the Council will not normally issue Static Street Trading Consents, for similar activities, for the same location. Should any dispute arise between Consent Holders the Council's officers will try to help to resolve any difficulties but will not interfere directly unless there has been a breach of consent conditions.

A Street Trading Consent is not a permit to disregard other laws or usual restrictions. For example:-

- i. Always observe parking restrictions (e.g. yellow lines) and do not obstruct the highway or entry or exit roads to private property.
- ii. You must comply with other relevant legislation such as the Food Hygiene (England) Regulations 2006 and the Health and Safety at Work etc. Act 1974.
- iii. You must not cause a nuisance to the occupants of neighbouring properties from noise, litter, disposal of waste or any anti-social activity.

Wherever you trade remember that the site you occupy does not belong to you. If the site is privately owned you may need both the permission of the land-owner and a street trading consent. You may not erect any permanent or semi-permanent structures (including signs) or alter the site in any way. Unless the consent certificate specifically permits it you may not provide additional seating for customers, either inside or outside the unit, or erect awnings or extensions to the original unit.

You may not leave the street trading unit on site overnight or for significant periods of time when not in use. Neither are you entitled to reserve a place by erecting barriers or placing traffic cones on the roadside.

Street Trading Consents are not transferable. This means that if you sell the unit you cannot automatically sell-on to the purchaser the Council's consent to trade in this District. The new owner would have to make a new application for a consent. If a prospective purchaser wants to buy your unit and trade as you do we recommend that you contact this office to arrange a joint meeting.

Similarly, if you obtain a consent and subsequently decide to purchase a new unit you should discuss this with us before any money changes hands.

## **5. PENALTIES**

If you engage in street trading in a consent street without being appropriately authorised to do so or contravene a condition attached to a Consent you shall be guilty of an offence punishable on summary conviction by a fine not exceeding Level 3 on the Standard Scale. The Council may, at any time, revoke a Consent or alter the conditions attached to Consents.

## **6. FEES FOR STREET TRADING CONSENTS**

- a) Table 1: Street Trading Consents - Scale of Fees will enable you to determine what fee is due from you.
- b) You may elect to pay for your Street Trading Consent on a three monthly (quarterly) basis, but if you pay for 12 months in advance it works out cheaper (we normally only issue consents for 12 months for established traders with no recent history of complaints). If you pay quarterly, you may only continue trading if you promptly pay each quarterly fee. All applications must be renewed on the 1<sup>st</sup> April each year and the Council reserves the right to refuse to renew a Consent for any reason. If you operate a seasonal business and only want to trade for part(s) of the year, you need only pay the quarterly fees for the period for which you trade. Fees must be paid in advance and a request will be made for the necessary amount as it falls due.

- c) The quarterly charging periods are listed below (If you trade for a part of a quarterly charging period the Council may charge an amount, calculated pro-rata, for the months or part months in which you trade :-

1st April to 30th June  
1st July to 30th September  
1st October to 31st December  
1st January to 31st March

7. **FOR FURTHER INFORMATION:** Contact: Phil Park, Commercial Services Manager,  
Stroud District Council, Ebley Mill, Westward Road, Stroud, Glos GL5 4UB, Tel. 01453  
754471

**TABLE 1 STREET TRADING CONSENTS - SCALE OF FEES 20010/11**

<b>CLASS</b>	<b>DESCRIPTION</b>	<b>FEES PER QUARTER OR PART QUARTER</b>	<b>FEES PER ANNUM</b>
<b><u>ITINERANT TRADERS</u></b>			
CLASS 1	For each itinerant Street Trading Unit.	£123.00	£458.00
<b><u>STATIC STREET TRADERS</u></b>			
BAND 1	For each Static Street Trading Unit retailing goods of any description from a site designated as Band 1.	£458.00	£1521.00
BAND 2	For each Static Street Trading Unit retailing goods of any description from a site designated as Band 2.	£278.00	£916.00

**NOTE:**

1. **Itinerant** consents are issued to traders who wish to move from place to place. In order to qualify for an itinerant consent traders must not remain in one place for more than 20 minutes at a time and must not return to the same location or to any other location, within 200m, in the same street, on the same day. Traders who wish to remain in one place for a longer period of time must apply for a **static** street trading consent.
2. **Static** Band 1 sites are considered to be prime sites and will normally include sites which are within or adjacent to established shopping areas. **Static** Band 2 sites will include, for example, lay-bys on the highway. Band 1 and Band 2 consents may cover several locations visited by a single unit.
3. Any Street Trader who owns and operates more than five itinerant street trading units will pay 50% of the full cost for each itinerant unit over five units.
4. Failure to pay a fee or repeated failure to pay fees on time may result in the consent being revoked.