

DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT DRAFT

STREET TRADING POLICY 2011



DRAFT

Street Trading Policy

The following is for guidance and does not cover the full instructions of the law relating to street trading

Introduction

Street trading means 'selling, exposing or offering for sale, any articles in a street'. Exposing for sale is the same as selling and taking orders, or registering members requires consent of the Council. Goods outside a shop, on forecourts which form part of the main business of the shop and of the trader, do not come under the terms of street trading. The subletting of space, even for the same commodities, is street trading and is regulated by the Authority.

A street means any street (adopted or unadopted highway) and also includes areas to which the public have access without payment including car parks, all forecourts, roads, footways and service areas or other areas adjacent to a street, as defined in section 329 of the [Highways Act 1980](#) | ➔ .

A person who:

- Engages in street trading in a prohibited area; or
- Engages in street trading in a consent street without being authorised to do so by the Council; or
- Contravenes any principle condition attached to any Street Trading Licence.

That person is guilty of an offence and on summary conviction shall be liable to a fine.

Applying to be a street trader in Kirklees

In Kirklees we issue various different types of Street Trading Consents.

- **General Street Trading Permit**
- **Mobile Street Trading Permit (including Ice Cream Vendors)**
- **Temporary Street Trading Permit**
- **Temporary Street Trading at events in Kirklees**

You will find information on each type of permit contained in this policy.

Fees vary depending on which permit you wish to obtain and where you wish to trade from. A table of fees is contained in this guidance.

General Street Traders – Application Process

General street traders who wish to obtain consent to trade within Kirklees must supply the following to Kirklees Licensing:

- Completed application form (a copy is contained in this guidance)
- A location map showing where you wish to trade from. If you want to trade from more than one site you will have to apply for each site separately.
- Two passport sized photographs
- A photograph of the unit you will be trading from. A print out from the internet will suffice.
- Permission from the land owner if you are trading from private land i.e industrial parks

If your application is granted we will then require you to submit

- The relevant fee (see attached fee sheet)
- Public Liability Insurance covering £5 million pounds
- **Photograph ID e.g. driving licence or passport. The original of this document does not have to be submitted. If you bring the original to this office we will make a copy for our records**

Once we have received your application we will consult with the relevant Ward Councillors, West Yorkshire Police, Kirklees Highways Department. You may also need to register with Kirklees Environmental Services if you are selling any type of food.

When we have received and collated all the information from the consultees we will contact you with the outcome of this. If none of the above bodies/organisations have any issues with you trading in that area your licence will be granted.

If any of the above bodies/organisations object to the granting of your licence then you will have the opportunity to request that your application be heard by the Regulatory Panel who will then make the decision on your application based on all information provided. You will have the opportunity to attend this hearing and if your application reaches this stage Officers in Licensing will be happy to explain the procedure in more detail.

Temporary Street Traders

An individual can make an application for a one off consent (that is **NOT** part of a bigger event in the Kirklees area i.e. Caribbean Carnival) in the prescribed format to the Licensing Department, the following documentation must accompany the application:

- Application form
- Location map
- A passport sized photograph
- The fee

With your completed application form you will also need to provide evidence that you have Public Liability Insurance to the amount of £5 million and that your business is registered with Environmental Health if you wish to sell food. No application will be considered without this evidence. The application will be assessed by the Licensing Officer who may consult with any relevant authorities they see fit i.e. The Highways Department. Provided all of the relevant information has been submitted and other relevant authorities (if consulted) have no concerns then the consent will be granted and issued.

Mobile Street Traders – Application Process

Ice cream and mobile vendors who wish to obtain consent to trade within Kirklees must supply the following to Kirklees Licensing:

- Completed application form (a copy is contained in this guidance)
- A map showing which streets you wish to trade in. The fee you pay will depend on the amount of streets you wish to trade from
- A basic Criminal Records Bureau check. This must be current and we will not accept any older than 3 months from date of issue. ***Will we do the CRB as we do taxis and should it be ice cream vans only?***
- Three passport sized photographs
- A photograph of the unit you will be trading from

If your application is granted we will then require you to submit

- The relevant fee (see attached fee sheet)
- Public Liability Insurance up to £5 million pounds
- **Photograph ID e.g. driving licence or passport. The original of this document does not have to be submitted. If you bring the original to this office we will make a copy for our records**

Once we have received your application we will consult with the relevant Ward Councillors, West Yorkshire Police, Kirklees Highways Department . You may also need to register with Kirklees Environmental Services if you are selling any type of food.

When we have received and collated all the information from the consultees we will contact you with the outcome of this. If none of the above bodies/organisations have any issues with you trading in that area your licence will be granted.

If any of the above bodies/organisations object to the granting of your licence then you will have the opportunity to request that your application be heard by the Regulatory Panel who will then make the decision on your application based on all information provided. You will have the opportunity to attend this hearing and if your application reaches this stage Officers in Licensing will be happy to explain the procedure in more detail.

PLEASE SEE FOLLOWING PAGE FOR IMPORTANT INFORMATION RELATING TO ICE CREAM AND REFRESHMENT VENDORS

Important information relating to Ice Cream/Refreshment Vendors in relation to parks in the Kirklees area

Each park within Kirklees has their own agreements in place with regard to ice cream and refreshment sales. A Street Trading Consent **DOES NOT** supersede this.

The areas surrounding parks may be traded from if you have the relevant consent to trade from that street. However, you must treat these as you would any other part of your 'round' and only stop temporarily. You must also adhere to any other restrictions in that area i.e double yellow lines. Also you should not cause any obstruction at park entrances or any other entrance or exit. Joint enforcement between Community Rangers, Park staff, Licensing and other agencies could result in sanctions being brought against the trader.

STREET TRADERS AT EVENTS IN KIRKLEES

If you are holding an event within Kirklees that will attract traders you must be aware of the procedures to follow so that each trader is correctly licensed.

We will expect you as the event organiser to liaise with us the licensing authority and the traders themselves to ensure all events are covered by the correct licences.

We expect that traders will contact you the organiser to request permission to trade at your event before they contact us. Included in this pack is a copy of the application form, designed specifically for these types of traders so that you may provide your traders with the form. If any of your traders contact us directly to request a form we will advise them to contact yourselves instead so that you will have the control over who does and doesn't apply to us.

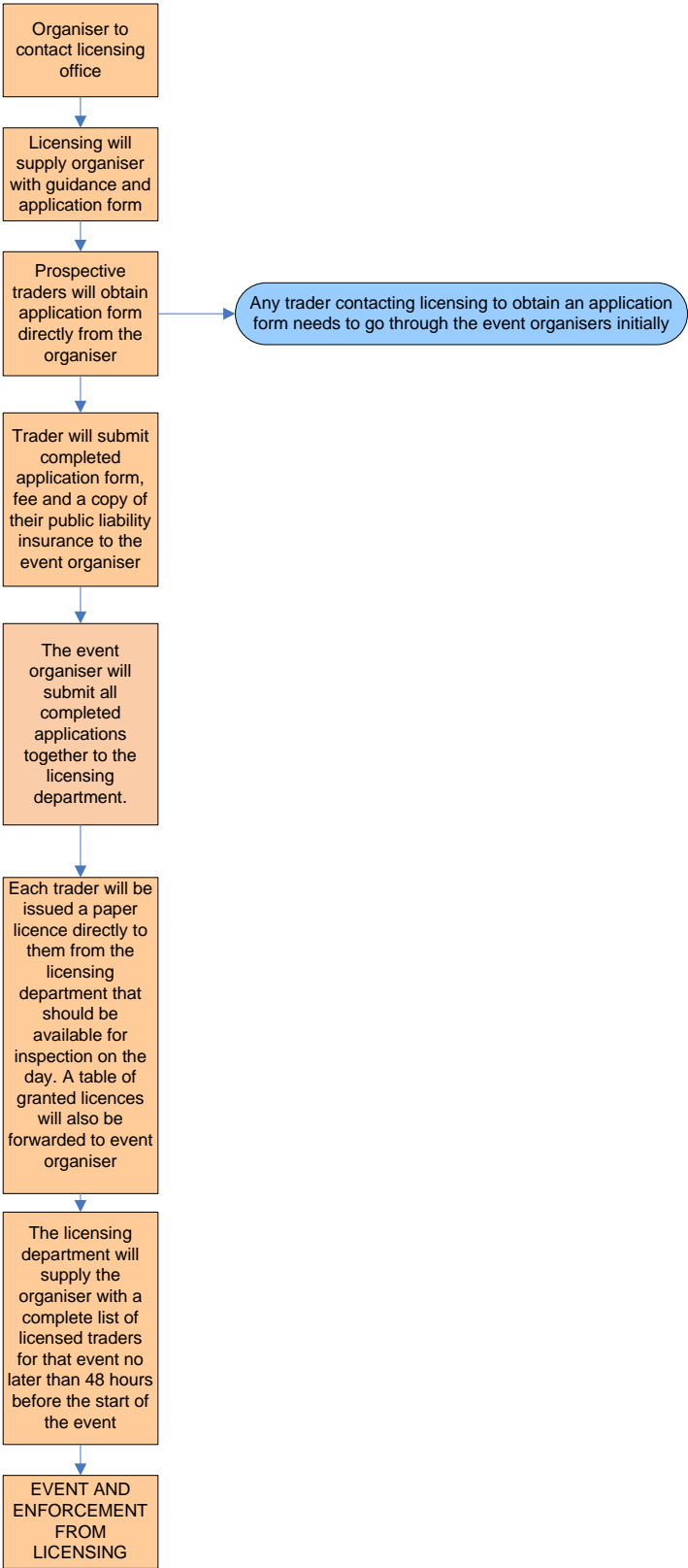
Once you have provided your traders with the application form it is up to them to complete it and submit it to you within the allocated time. Once you have received all the applications you are happy with, then please forward them to us. Please see attached fee sheet for fees. They will also be required to submit a copy of their public liability insurance for at least £5 000, 000.

We will issue the licence directly to the trader's themselves, once we have issued all the licences we will supply you with a list of granted licences for your event so you will know who should and shouldn't be there. Please note we will always follow this up with our own enforcement and traders trading at your event without the correct licence will be asked to cease trading or face the possibility of being prosecuted.

CHARITABLE TRADERS AT EVENTS IN KIRKLEES

At some large events within Kirklees there are stalls provided by charities or not for profit organisations to provide information or to make money to contribute to that organisation. In this case we will not require a fee for the stall however we still require an application form completing in the same manner as the traders. We will then issue a blanket licence to the event organiser to cover all of the charitable/not for profit organisations.

Flowchart for Temp Street Traders at LARGE events



Once your permit has been granted

Street Trading Consents are issued for a period of up to one year

Applicants should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, the Council will consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

If a renewal application is not made before the expiry of the current licence, a new application will have to be made. (the effect of this may be that a trader will not be permitted to trade until the new consent is issued.)

Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee

Transfers

A Street Trading Consent cannot be transferred or sold to another person. The subletting of a pitch is also not allowed.

Enforcement

The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.

Where licensable activities are conducted without the benefit of a licence, permit or consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate.

LIST OF APPENDICES ATTACHED TO THIS POLICY

Appendix A - General Conditions

Appendix B – General Street Trader Application Form

Appendix C – Mobile Street Trader Application Form

Appendix D – Temporary Street Trader Application Form

Appendix E – Event Street Trader Application Form – including charitable/not for profit organisations

APPENDIX A

General conditions attached to all Street Trading Consents issued by Kirklees

- The trader shall trade only from the site(s) permitted by the Council as delineated on the plan attached. The trader shall not use any additional street space for additional stalls or for the storage of goods during trading hours.
- The trader shall trade only in the business permitted by the Council as shown on the Consent.
- The trader may trade only at the times indicated on the Consent and must remove the stall/barrow/equipment and goods when he/she is not trading or outside the hours indicated.
- The trader shall use only such stall/barrow/equipment from which to trade, as shall have been approved by the Council prior to trading.
- The trader shall display his/her name and permit number on the stall/barrow/equipment from which he/she sells or exposes for sale his/her goods.
- The trader must at all times during trading carry this consent with him/her.
- The trader must produce his/her identification badge as issued by the Council upon demand to a Police Officer or an Officer of the Council.
- All refuse produced at the site shall be placed and kept by the trader or his/her assistants in a receptacle (to be kept within the boundaries of the site) of a type approved by the Council.
- The trader shall ensure that all refuse is removed from the site and lawfully disposed of.
- The trader shall comply with all relevant hygiene regulation as appropriate.
- This consent and the benefits thereof are personal to the trader and shall not be transferred to any other person.

- The trader shall notify the Council of any change of address or circumstances relevant to this consent.
- The Council reserves the right, temporarily or permanently, to revoke or vary the terms of this consent in the event of the site to which it relates becoming unsatisfactory for the purposes of street trading because of building works, or development works, or any other significant change of circumstances.
- The consent to trade may be suspended at any time at the request of a Police Officer who may require the removal of the stall/barrow/equipment from which he/she sells or proposes to sell goods. The trader shall notify the Council and obtain approval thereof, of any proposed change of goods or of stall/barrow/equipment from which he/she sells or proposes to sell goods.
- If a trader is convicted of any offence in connection with street trading or contravenes any of the terms, conditions or restrictions of this consent, this consent may be revoked by the Council.
- The trader shall pay to the Council the current fee applicable for this consent.

PLEASE NOTE:

You must have Public Liability Insurance for at least £5,000,000 (five million pounds).

You must give access for Statutory Undertakers and/or Kirklees Highways Services to carry out any necessary work within the highway.

APPENDIX B

Applic No:	RecNo/Date:	Licence No
		ST

**KIRKLEES COUNCIL
SECTION 3 AND SCHEDULE 4**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT/RENEWAL OF

A CONSENT TO TRADE IN A DESIGNATED AREA

1. To enable this application to be considered, could you please submit with it:
 - (a) A detailed plan and a photograph indicating the site from which you wish to trade must be submitted with this application showing the exact location of the vending vehicle/trailer.
 - (b) Three passport size photographs
 - (c) The fee is payable on approval of application (please see attached fee sheet).

An identification badge will be issued with the form of Consent if your application is successful.

2. Name:

Address:

.....

.....

Telephone No: Date of birth:

3. Proposed trade/goods:

.....

4. Proposed stall/barrow/equipment from which goods are to be sold (give details including specifications of stall/barrow/equipment):

.....

.....

5. Proposed site (enclosed plan):
.....
.....
6. Proposed trading days and hours:
.....
.....
7. Give details of experience in trading in proposed good:
.....
.....
8. Give details of experience in street trading:
.....
.....
9. Subject to the Rehabilitation of Offenders Act 1974, give details of any criminal convictions:
.....
.....
10. If Consent to trade were granted, would this be the applicant's only source of income. If not give details of other sources:
.....
.....
11. If applicant currently holds a Consent to trade from the Council, please give details:
.....
.....
12. Has planning permission been sought for this application YES/NO

I certify that the above information is correct and, should I be granted a Consent, I agree to comply with the terms, conditions and restrictions set out in the Consent.

Signed:

Date:

**Please return to The Licensing Department, Riverbank Court, Wakefield Road, Aspley, Huddersfield HD5 9AA
Tel No: 01484 456868**

APPENDIX C

Applic No:	RecNo/Date:	Licence No
		ST

**KIRKLEES COUNCIL
SECTION 3 AND SCHEDULE 4**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT/RENEWAL OF

A CONSENT TO TRADE BE A MOBILE STREET TRADER

2. To enable this application to be considered, could you please submit with it:
- (d) A detailed plan indicating the streets from which you wish to trade and a photograph of the vehicle from which you wish to trade must be submitted with this application
 - (e) A basic Criminal Records Bureau check. **Cath – should this be done by us as taxi drivers and should we limit it only to ice cream vendors.**
 - (f) Three passport size photographs
 - (g) The fee is payable on approval of application (please see attached fee sheet).
 - (h) Public Liability Insurance up to £5 million pounds is required on approval of application

An identification badge will be issued with the form of Consent if your application is successful.

2. Name:

Address:

.....

.....

Telephone No: Date of birth:

2a. Vehicle make, model and registration number:.....

.....

3. Proposed trade/goods:

4. Proposed streets (enclosed plan):
.....
.....

5. Proposed trading days and hours:
.....
.....

7. Give details of experience in trading in proposed good:
.....
.....

8. Give details of experience in street trading:
.....
.....

9. Subject to the Rehabilitation of Offenders Act 1974, give details of any criminal convictions:
.....
.....

10. If Consent to trade were granted, would this be the applicant's only source of income. If not give details of other sources:
.....
.....

12. If applicant currently holds a Consent to trade from the Council, please give details:
.....
.....

I certify that the above information is correct and, should I be granted a Consent, I agree to comply with the terms, conditions and restrictions set out in the Consent.

Signed:

Date:

APPENDIX D

KIRKLEES COUNCIL
SECTION 3 AND SCHEDULE 4

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

TEMPORARY

1. Full Name of Applicant – Mr/Mrs/Miss/Ms:.....
Address:
.....
.....
Telephone No: Date of birth:
2. Proposed trade/goods:
3. Proposed stall/barrow/equipment from which goods are to be sold (give details including specifications of stall/barrow/equipment):
.....
.....
4. Date and place (include location map) from which you would like to trade:
.....
.....
5. Subject to the Rehabilitation of Offenders Act 1974, give details of any criminal convictions:
.....

I certify that the above information is correct and, should I be granted a Consent, I agree to comply with the terms, conditions and restrictions set out in the Consent.

Signed:

Date:

APPENDIX E

KIRKLEES COUNCIL
SECTION 3 AND SCHEDULE 4

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
TRADING AT EVENTS INCLUDING NOT FOR PROFIT OR CHARITABLE TRADERS

1. Full Name of Applicant – Mr/Mrs/Miss/Ms:.....
Address:
.....
.....
Telephone No: Date of birth:
2. Proposed trade/goods:
3. Proposed stall/barrow/equipment from which goods are to be sold (give details including specifications of stall/barrow/equipment):
.....
.....
4. Which Event will you be attending, please include dates and times, and Site:
.....
.....
Is this approved by the event organisers: Yes/No
If No please speak with the event organisers before submitting this application.
5. Subject to the Rehabilitation of Offenders Act 1974, give details of any criminal convictions:
.....
.....
6. Are you a charity or not for profit organisation: Yes/No
7. If the answer to question 6 is yes then please give details of the charity/organization

Name:

Address:

Organisation details

or charity number:

.....

I certify that the above information is correct and, should I be granted a Consent, I agree to comply with the terms, conditions and restrictions set out in the Consent.

Signed:

Date:

Return to your event organiser