

# **Street Trading Policy 2020-2024**

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# Foreword

This policy sets out North Somerset Council's requirements for street trading. It details and describes our roles and responsibilities in relation to the administration and regulation of street trading activities within North Somerset.

The street trading legislation, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, was adopted by the Council on 21 July 2010. The development of a single, county-wide street trading policy and necessary administrative and regulatory processes and procedures took place, culminating in a public consultation exercise and the eventual adoption of the policy by the Council

## 1. Introduction & Scope

- 1.1 This policy has been developed to assist persons applying for Street Trading Consents or Licences in North Somerset. It was agreed by the Full Council on the 12<sup>th</sup> November 2019 and sets out the standards for determining applications and the enforcement of street trading activities in the North Somerset area.
- 1.2 The Council has designated all of its administrative area (with the exception of High Street and the Big Lamp Corner area of Meadow Street in Weston-super-Mare) as Consent Streets for street trading purposes. High Street and the Big Lamp Corner area of Meadow Street in Weston-super-Mare have been designated as Licence Streets.
- 1.3 Applicants wishing to have a Street Trading permit or licence will be expected to consider additional factors to ensure that the unit enhances the area and complements the street scene. Factors to consider include:
  - a) Visual appearance
  - b) Type of goods being sold
  - c) Location of the unit
- 1.4 North Somerset Council will apply this policy to street trading activities in its area to ensure consistency of decision making. However each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.
- 1.5 The purpose of this street trading policy is to provide a decision making framework for the consideration of applications for street trading consents and to create a street trading environment which is sensitive to the needs of the public, provides diversity and consumer choice, and enhances the character, ambience and safety of the local environment.
- 1.6 North Somerset Council is a Unitary Authority in Somerset covering approximately 145 square miles (38,955 hectares) with a population of 204,400 (Office for National Statistics Mid-Year Estimates 2012).
- 1.7 A map of the North Somerset District, to which this policy applies, is shown at **Appendix A**.

**1.8** This policy facilitates the administration of applications for street trading consents and licences. Central to the council's policy are a number of objectives which are set out below:-

- a) **Public Safety** - applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they would achieve that. The location of the proposed street trading activity should not present additional risks to the public in terms of road safety, obstruction and fire hazard. The term "public" refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in section 5 on site safety assessment criteria and observations made by the Highways Authority.
- b) **Prevention of Crime and Disorder** - applicants should consider when making their application how they will protect the public and local residents from crime and anti-social behaviour. The proposed activity should not present a risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.
- c) **Prevention of Public Nuisance** - applicants should consider when making their application how they will control the level of noise or other nuisances emanating from the pitch. Consideration will be given to measures taken to reduce the risk of nuisance from noise, refuse, vermin, fumes and smells.

## **2. What is Street Trading?**

**2.1** Street Trading is defined as the selling, exposing or offering for sale of any article in a street. As the definition of "street" includes any land to which the public have access without payment, private land to which the public has free access is also included. Street trading law and associated policy therefore can extend to events off the highway that are conducted on private premises.

**2.2** Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that the following activities are not 'street trading' and, therefore, prior consent of the Council is not required:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 (see point 2.6).
- (b) anything done in a market or fair; the right to hold which was acquired by virtue of a grant (including presumed grant), or acquired or established by an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) trading as a news vendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act.
- (e) trading which:
  - i) is carried on at premises used as a petrol filling station; or
  - ii) is carried on at premises used as a shop or in a street adjoining premises so used as part of the usual business of the shop.
- (f) selling things, or offering or exposing them for sale, as a roundsman.
- (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.

- (f) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- (g) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

**2.3** Consents and Licences will be issued according to the following categories:

<b>A</b>	<b>Single Standard Pitches</b>	Individual units for daily, weekly, quarterly or annual use. Tiered fee structure for licence streets, commercial areas, other highway sites.
<b>B</b>	<b>Event Pitches</b>	An organised block consent for units at events within North Somerset Council's administrative area. Refer to point 3.5.
<b>C</b>	<b>Farmers Markets</b>	Will typically sell locally produced fruits, vegetables, meats, cheeses, drinks etc with produce from within a 25 mile radius of the market.
<b>D</b>	<b>Craft Markets/Street Fairs</b>	Examples of such include school fairs/fetes and Christmas Markets, small stalls, fundraisers etc.
<b>E</b>	<b>NSC Concession holders</b>	A formally tendered concession agreement with North Somerset Council where holder requires occasional additional units.

Fees for each category will be stated within the Council's published fees and charges and subject to annual review.

**2.4** The following Street Trading activities have been deemed by North Somerset Council to not require the payment of fees to the Council:

- (a) Fetes or community events held **solely** for charitable purposes where there is **no** private financial gain for an individual or company.
- (b) Non-Commercial Car Boot Sales (i.e. events organised by organisations that will not involve private gain for an individual or company).
- (c) Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

**2.5** A trader acting as a 'roundsman' will only require a Street Trading Consent or Licence where trading continues for more than 30 minutes with no return to the same location in the same day.

**2.6** A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods such as pictures and household goods or offering their skills in handicrafts. A person trading in a static position for longer than 10 minutes will be treated as a Street Trader and not a pedlar. A pedlar must hold a certificate granted by a chief constable. Guidance notes for pedlars are shown at **Appendix B**.

### **3. Submitting an application**

**3.1** An application for a Street Trading Consent or Licence must be made to North Somerset Council in writing. [Street Trading Application](#) forms are available via the North Somerset Council website.

**3.2** The applicant is normally required to submit all (or some of, at the discretion of the Licensing Authority) the following documents and fees with the application:

- a) A completed Street Trading application form.
- b) A deposit of 25% of the full fee for an annual Consent or Licence. Fees for all other periods will require submission of the full fee with the application.
- c) A map of the trading site to a minimum of 1:1250 scale. The map should clearly identify the proposed site.
- d) A colour photograph of the stall, van, barrow, cart etc that will be used for the street trading activity.
- e) A copy of the certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
- f) Evidence of a formal commercial waste transfer agreement
- g) Written permission from the owner of the land where the street trading is to be carried out on land which is not a public highway.

**3.3** The following documents are required to be submitted when renewing a Street Trading Consent or Licence:

- a) A completed Street Trading application form.
- b) The full fee unless the renewal is for an annual Consent or Licence.
- c) A copy of the certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.
- d) Evidence of a formal commercial waste transfer agreement.

**3.4** An application for a Street Trading Consent or Licence will not be entertained where permission of the landowner for the proposed trading site to carry out street trading has not been provided, for whatever reason.

**3.5** Applications falling within categories B – E (Section 2.3) may be made by submission of one block consent for each event held.

The organiser in receipt of a block consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party & Liability Insurance covering all traders, or individual insurance for all traders. Food hygiene and Gas safety certification for all traders must also be provided.

A site plan showing the maximum number of expected traders and an indication of the type of goods being sold must be supplied with all block applications. A final list of all the confirmed traders to be covered by the block consent must then be provided (with supporting certification) a minimum of 5 working days before the consent is used.

A separate application will still be required for each further event held.

- 3.6** The Licensing Act 2003 requires persons selling hot food between the hours of 2300 and 0500 hours to hold a Premises Licence. This requirement is in addition to the requirement to hold a Street Trading Consent or Licence. Further details on the application process are available from the Licensing Office.

## **4. Consultation**

- 4.1** Before a Street Trading Consent or Licence is granted the Council will carry out a formal consultation process. Consultees will include the following:

- a) The Highways Authority for North Somerset Council
- b) Avon and Somerset Constabulary
- c) North Somerset Council Food/ Health and Safety Team
- d) North Somerset Council Environmental Protection Team
- e) North Somerset Council Ward Members
- f) The appropriate Parish or Town Council
- g) The land owner of the proposed street trading site if it is on private land

- 4.2** The consultation period will be dependent on the duration of the Consent or Licence. The consultation period will commence upon receipt of all the necessary documentation required in section 3.2.

<b>Licence duration (days)</b>	<b>Consultation period (days)</b>
1-6	7
7-14	14
15 +	28

- 4.3** For new applications of 15 days or more, applicants are also required to display a notice at the site for a period of at least 28 days. The notice must contain the following information:

- a) Trading name of the business
- b) Location being applied for
- c) Date application made
- d) Proposed goods to be sold
- e) Proposed days and times of trading
- f) The date which comments can be received by the Licensing Authority
- g) How comments can be made to the Licensing Authority in relation to the application

- 4.4** The consultation period for applications to renew Licences or Consents will be 14 days and the Council shall consult with the following:

- a) Avon and Somerset Constabulary
- b) North Somerset Council Food/ Health and Safety Team
- c) The appropriate Parish or Town Council
- d) Any other person or organisation deemed necessary

**4.5** Written observations from any consultee and occupiers of nearby properties (within 100 metres of the proposed site) will be taken into consideration when determining an application made to the Council.

## **5. Determining an application**

**5.1** The Licensing Authority will use the criteria listed below in the determination of Street Trading Consents or Licences. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

### **5.2 Commercial Need**

Consideration will be given to the number of other traders in the vicinity of the application site. The presence of other like trading outlets and the proximity of schools shall be taken into consideration. Fast-food vendors will not normally be permitted to trade within 500m of a school. On lay-bys and trading estates there shall be no other street trading consent granted within 500 metres of an existing consent.

### **5.3 Sustainability and Product Type**

The applicant should set out measures to reduce the environmental impact of the proposed activity. Wherever possible food traders will be expected to use biodegradable materials in connection with the packaging of food served to members of the public. Single use plastics will not be permitted.

### **5.4 Suitability of Trading Unit**

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity shall comply with all primary legislation including:

- a) Food Safety Act 1990
- b) Food and Hygiene (England) Regulations 2013 as amended
- c) Health and Safety at Work etc Act 1974 and any regulations made under this Act.
- d) Environmental Protection Act 1990

### **5.5 Suitability of the applicant**

When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a permission including:



- a) Persistent refusal or neglect in paying fees due to the council for a street trading consent or licence or for any other charges due for services rendered by the council to the applicant in his capacity as the holder of a street trading consent or licence.
- b) The Council will not grant a Street Trading Consents or Licences to persons under the age of 17 years.

### **5.6 Permitted trading hours**

The Council will consider each application on its merits before agreeing permitted trading times. Any trading between 2300 – 0500 hours will be subject to a separate application under the Licensing Act 2003 where hot food or refreshments are proposed to be sold.

### **5.7 Location of trading unit**

The proposed trading operation should complement the trading area in which it is situated. In assessing this criterion consideration should be given to the type and nature of locality, the type of street trading that will be carried out and the visual appearance of the trading operation being proposed.

### **5.8 Street Trading Consents or Licences from static locations will **not** be granted where:**

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- c) There is a conflict with Traffic Orders such as waiting restrictions, or
- d) The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- e) The trading unit obstructs the safe passage of users of the footway or carriageway, or
- f) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- g) The site does not allow the Consent or Licence Holder, staff and customers to park in a safe manner, or
- h) The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

### **5.9 Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application. Decisions of the Licensing Committee and rights of appeal in relation to Street Trading Licences will be accordance with the provisions set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.**

### **5.10 There is no right of appeal to the Magistrates Court against decisions of the Council in relation to Street Trading Consents under the Local Government (Miscellaneous Provisions) Act 1982. A person aggrieved by a decision of the Licensing Committee may make an application to the High Court for Judicial**

Review of the decision. There are strict time limits for making such applications. For further information about the potential grounds for Judicial Review and the procedure for making an application, applicants should seek legal advice from a solicitor as soon as they receive notice of the decision.

- 5.11** If an application is refused; either at grant or renewal of a Street Trading Licence, any person aggrieved may appeal to the magistrates court against the decision so long as the reason for the decision falls within one of the categories designated under paragraph 3 (6) (d) – (g) of the Local Government (Miscellaneous Provisions) Act 1982. There is no right of appeal where refusal is based on grounds in 3 (6) (a) – (c). of the Act. A right of appeal must be exercised within 21 days of the date when the decision to refuse a licence was notified to the applicant or licence holder.

## **6. Objections to an application**

- 6.1** Where there are no relevant representations made, the application will be deemed as granted and issued by officers under their scheme of delegated Authority.
- 6.2** The application will be referred to the Council's Licensing Committee for determination if relevant objections are received against the granting of a Street Trading Consent or Licence from any of the following:
- a) Occupiers of property within 100 metres of the proposed site.
  - b) North Somerset Council Ward Members (who can object as an individual or on behalf of constituents).
  - c) Parish or Town Councils.
  - d) Police or Highway Authorities.
  - e) North Somerset Council Food/ Health and Safety or Pollution Teams.
- 6.3** Officers will assess the objections to determine their relevance based on the following criteria:
- a) Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
  - b) Whether any road safety issues have been identified.
  - c) Compliance with food and health and safety legislation.
  - d) Concern of public order problems resulting from the proposed street trading activity.
  - e) Whether there are any fire safety issues present.
  - f) Whether the objection is relevant, vexatious or repetitive.
- 6.4** If a relevant objection is made against an application for a Street Trading Licence or Consent, the applicant will be contacted to discuss the reasons for a potential refusal of the application. During this discussion the applicant will be informed of the criteria from this policy which are considered to have not been met and they will be given an opportunity to discuss any relevant matters in relation to the application.

If after this discussion the applicant still wishes to continue with the application, the application will be referred to the Licensing Committee for determination.

- 6.5** If a written objection from the person or organisations listed above is received and deemed appropriate, the application will be referred to the Licensing Committee for consideration and determination.
- 6.6** Persons making written objections will also be informed of a decision to refer an application to the Licensing Committee and notified of the date of the hearing of the application.
- 6.7** If an applicant refuses an offer of discussing the application with officers, they will be notified of a referral to the Licensing Committee for determination of the application.
- 6.8** The person making a representation against an application or an existing Street Trading Consent or Licence to the Licensing Committee will normally be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.
- 6.9** In determining an application the Licensing Committee will consider presentations from the applicant, a person or organisation making an objection and the Council's Licensing Officer. Applicants and persons making objections to an application should notify the Council's Democratic Services Section at least five working days in advance of the meeting of any witnesses they intend to call and details of any evidence (written, photographic or other material or media) they intend to present at the hearing.
- 6.10** Where objections have been raised to the granting a Street Trading Consent or Licence the Licensing Committee will consider the objections or representations made. Only persons who have raised objections to the application will be allowed the opportunity to address the Licensing Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be published in full in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant.
- 6.11** The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of the applicant, officers and persons making an objection. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Licensing Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.
- 6.12** The Licensing Committee will always strive to ensure that when it is considering an application that all persons get a fair hearing through:
  - a) Considering each case on its merits.
  - b) Using these guidelines to assess applications where it is felt appropriate.

- c) Dealing with the application in a balanced and impartial manner.
- d) Ensuring that the rules of natural justice are applied in any hearings held.
- e) Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Committee and present information for consideration in support of their objection.

## **7. Issue of Street Trading Consents & Licenses**

**7.1** Street Trading Consents or Licences will be issued for a maximum period of 12 months. Annual Consents or Licences issued will be renewable on the 1<sup>st</sup> July of any particular year. Shorter term Consents or Licences may be issued on a weekly basis.

**7.2** In all cases when a Consent or Licence has expired, and an application has not been submitted to the Council for renewal, a new application will be required. In such cases the application will be subject to the full consideration process outlined in this policy.

**7.3** The Consent Holder will not be permitted to sub-let or transfer this Consent, but may surrender it to the Council at any time.

**7.4** Fees for each category will be stated within the Council's published fees and charges and subject to annual review.

Fees for Annual Consents or Licences may be paid either in full in advance or on a three monthly basis with the fees being due on the first of April, July, October and January. All other applications must be accompanied by the full fee.

If an application is refused any fees paid on application will be returned, less an administration fee.

If an annual licence or permit is surrendered, consideration will be given to refunding fees for any remaining months paid for in advance. No refunds will be available for any other length consents or licences.

**7.5** Failure to maintain payments of the fee on a three monthly basis will be a breach of the conditions attached to the Consent or Licence. If fees paid on an instalment basis are not made to the Council, the Consent or Licence issued by the Council will be considered for revocation. It is essential that traders electing to pay on an instalment basis ensure that such payments are made on the due dates.

**7.6** On approving the application the Council will issue a Street Trading Consent or Licence to which conditions will be attached. The conditions attached to the Consent or Licence form part of the approval to carry out street trading in North Somerset and must be complied with at all times. Failure to do so could lead to the Consent or Licence being either revoked, or not renewed.

**7.7** Additional conditions may be added on a case by case basis and be requested by any of the stated consultees or by the Licensing Committee. These may

include specific terms such as days and hours when the street trading is permitted, and goods that may be sold.

**7.8** A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at **Appendix E**.

**7.9** Annual consents or licences will be subject to a three month probationary period.

## **8. Conditions & Enforcement**

**8.1** North Somerset Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council Enforcement Protocol, copies of which are available free of charge. If you require a copy please contact the Licensing Team. Contact details are shown at **Appendix F**.

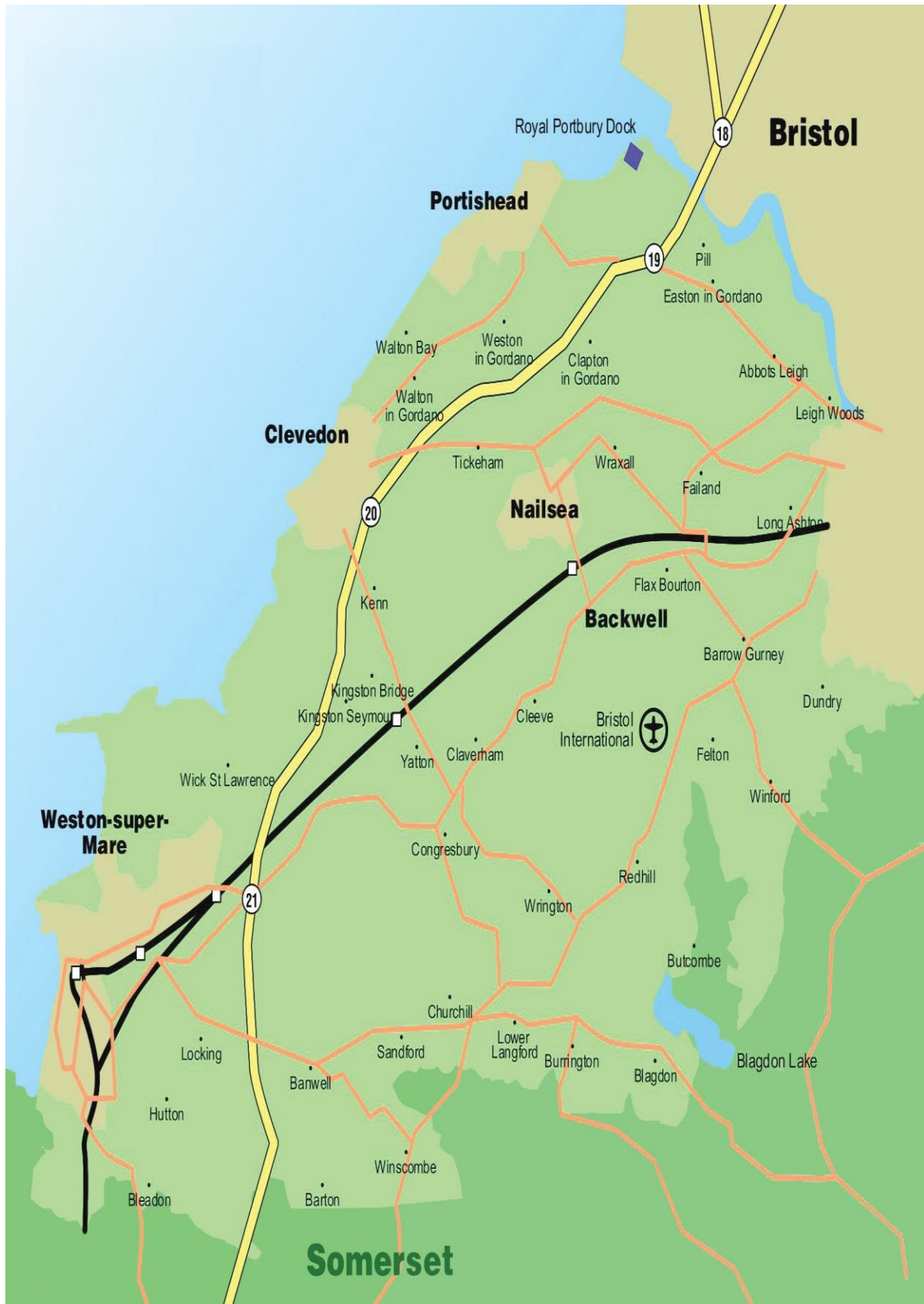
**8.2** The following principles will be adhered to when carrying out street trading enforcement activities:

- a) **Openness:** The Council will be open about how it enforces the legislation in relation to street trading. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.
- b) **Helpfulness:** The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.
- c) **Proportionality:** The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Officers will have regard to the human rights of all parties involved in its enforcement activities.
- d) **Consistency:** The Council will carry out its duties in a fair, equitable and consistent manner. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

**8.3** North Somerset Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Street Trading Services you should in the first instance contact the Licensing Team Manager.

**8.4** If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme.

# APPENDIX A – MAP OF NORTH SOMERSET



## **GUIDANCE FOR PEDLARS**

## **APPENDIX B**

North Somerset Council is applying a clearer and more modern definition of pedlary to enable genuine pedlars to continue to trade. The definition is taken from the recent Government consultation on Street Trading and Pedlary and recent case law. The guidance is given below:

- 1.** As a Pedlar you must 'go from town to town' so you must not frequent the same town every day.
- 2.** As a pedlar you must 'travel and trade on foot' so you should not use a motor vehicle to carry your goods to and around North Somerset.
- 3.** A pedlar can remain static in the same location for a maximum of 10 minutes after arrival. As a pedlar, you should then move on (at a reasonable speed) to a location which is at least 50 metres away from the first location, and again you should not remain in that second location for more than 10 minutes. You cannot immediately return to the first location, nor to any other location which you have occupied within 50 metres or within the previous three hourly period. These requirements are intended to keep a pedlar trading while on the move.
- 4.** However, we do recognise that a pedlar may be approached by potential customers during the 10 minute period mentioned above but you may be unable to conclude the transaction with that customer during that period. Similarly, we recognise that a pedlar may be approached by potential customers while travelling from one location to a location at least 50 metres away. Since we do not want to place unreasonable restrictions on a pedlar's ability to do business, there is an exception to the above limitations to enable a pedlar who is approached in this way to remain in his location beyond the 10 minute period or to stop to conclude those transactions. Once all such transactions have been concluded (or aborted) the pedlar must continue to move away immediately.
- 5.** So, if as a pedlar you are not actively making a sale or being approached by a customer at the 10 minute cut-off point, you must immediately start to move away from the location towards a location at least 50 metres away from that location. If while on the move to your next location, you are approached by a customer, you may stop to deal with that customer. But, as soon as the sale is concluded, you should continue on the move towards your next location (unless, of course, you are approached again by another customer on your way there).
- 6.** Pedlars should not use large, wheeled trolleys or similar as a device to carry and expose for sale all, or the vast majority of goods as these can cause an obstruction of the highway which is an offence under Section 137 of the Highways Act 1980.
- 7.** You should be aware that many areas of North Somerset are monitored by CCTV (Closed Circuit Television) and officer foot patrols.
- 8.** Pedlar's Certificates can be obtained from Avon & Somerset Police, Town Hall, Walliscote Grove Road, Weston super Mare, BS23 1UJ at a cost of £12.25. It is an offence to peddle without a certificate and an offence to lend a certificate or use someone else's. The Council, in partnership with Avon & Somerset Police, will take formal action against illegal Street Trading under Paragraph 10(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

## **APPENDIX C – GLOSSARY OF TERMINOLOGY**

Within the terms of the North Somerset Council's Street Trading Consent Scheme the following definitions apply:

<b>The Council</b>	Means the North Somerset Council
<b>Street Trading</b>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
<b>Street</b>	Includes: (a) Any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<b>Consent Street</b>	Means a street in which street trading is prohibited without the consent of North Somerset Council.
<b>Licence Street</b>	Means a street in which street trading is prohibited without a licence granted by North Somerset Council.
<b>Consent/Licence</b>	Means a consent or licence to trade on a street by North Somerset Council.
<b>Consent Holder</b>	Means the person or company to whom the consent to trade on a street has been granted by North Somerset Council.
<b>Licence Holder</b>	Means the person or company to whom a licence to trade on a street has been granted by North Somerset Council.
<b>Authorised Officer</b>	Means an officer employed by North Somerset Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.



# **Street Trading Conditions**

# **Appendix D**

## **GENERAL CONDITIONS**

1. A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
2. The Consent Holder shall not sub-let or transfer this Consent or any part thereof, but may surrender it to the Council at any time.
3. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the Council.
4. Nothing contained in these conditions shall relieve the Consent Holder or his employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent
5. The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of 5 million pounds to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
6. This Consent does not infer or grant exclusive right rights to the holder for use of the location specified in the permission. If at any time at the permitted trading location other statutory bodies or organisations require access and use of the location to carry out emergency or other remedial works, they shall be afforded such access for such time as the required works need to be completed.
7. The Council may vary the Conditions attached to the Consent at any time, subject to reasonable notice being given to the Consent Holder.

## **SITE CONDITIONS**

8. The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the local authority.
9. The Consent Holder shall not use any sound or music amplification equipment whilst trading which is audible beyond 5 metres from the site.
10. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
11. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council.
12. The Consent Holder shall make any excavations or alterations of any description in the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment or markings of any description in the said surface except with the previous consent from the Council in writing.
13. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Council and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
14. The Consent Holder shall keep his trading position and the area within 25m of the pitch in a litter free condition during the permitted hours and also leave the same in a litter free condition at the end of each daily period of use under the terms of this Consent.
15. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
16. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis. The consent holder shall have in place a formal commercial waste transfer arrangement.

17. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.
18. Any special costs, other than those legally required to be borne by the Council, incurred in preparing a pitch fit for purpose shall be borne by the applicant.

### **TRADING CONDITIONS**

20. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
21. The Consent Holder shall not trade outside the time and days permitted by the Consent.
22. The Consent Holder shall keep on any van, cart, barrow or other vehicle or stall, a street trading consent document that has been issued by the Council.
23. The Consent Holder shall not trade in such a way that is likely to cause:
  - a) undue obstruction to any part of any street or public place.
  - b) any injury to any person using the street or public place.
  - c) damage to any property in the street or public place.
24. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences so as to be deemed a Statutory Nuisance.
25. All street Trading fees are due in advance on the 1<sup>st</sup> July of any year. Annual fees may by agreement be paid by instalments. Failure to pay an annual or instalment fee will render the consent holder liable to action by the Council to revoke this consent
28. Static street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

### **LEGAL PROVISIONS**

30. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his employees or agents from any legal duty or liability.
31. At all times the Consent Holder shall comply with the appropriate primary legislation in force.

### **REVOCAION OR SURRENDER OF CONSENT**

32. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
34. The holder shall return this Consent to the North Somerset Council immediately on revocation or surrender of the Consent.

### **Useful contact details**

#### **Licensing Team**

North Somerset Council  
Walliscote Grove Road  
Weston Super Mare  
BS23 1UJ

01934 426800

[licensing@n-somerset.gov.uk](mailto:licensing@n-somerset.gov.uk)

#### **Food, Health and Safety Team**

Castlewood  
Tickenham Road  
Clevedon  
BS21 9AX

01934 634 633

[foodandsafety@n-somerset.gov.uk](mailto:foodandsafety@n-somerset.gov.uk)

#### **Avon and Somerset Police Licensing**

Weston-super Mare Police Station,  
PO Box 441,  
Weston-super-Mare  
BS23 1WS

01934 638 211

[northsomersetpoliceliquorlicensingteam@avonandsomerset.police.uk](mailto:northsomersetpoliceliquorlicensingteam@avonandsomerset.police.uk)

#### **Environmental Protection Team**

Town Hall,  
Walliscote Grove Road,  
Weston-super-Mare  
BS23 1UJ

01275 884 882

[environmental.protection@n-somerset.gov.uk](mailto:environmental.protection@n-somerset.gov.uk)