

STREET TRADING CONSENT (2011)

1. INTRODUCTION

- 1.1 Slough Borough Council issues Street Trading Consents in accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 All streets within the boundaries of Slough Borough Council are Consent Streets.
- 1.3 All persons wishing to sell any goods to the public within the Borough must apply for and be in possession of a Street Trading Consent before any such trading takes place.
- 1.4 If you intend to operate the supply of hot food or drink to members of the public between the hours of 23-00 hours and 05-00 hours you will also need to apply for a Premises Licence issued under the Licensing Act 2003. Full details and application packs can be requested from the Licensing Team.
- 1.5 Slough High Street has a specific number of pitches where Street Trading can take place. New applications for the High Street where there is no vacant pitch will not be accepted.

2. DEFINITIONS

- 2.1 Within the terms of the Slough Borough Council Street Trading Consent Protocol and Guidance the following definitions apply.
 - **The Council** – Means Slough Borough Council
 - **Street Trading** – Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
 - **Street** – 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
 - **Consent Street** – Means a street in which street trading is prohibited without the consent of Slough Borough Council.
 - **Consent** – Means a consent to trade on a street granted by Slough Borough Council.
 - **Consent Holder** – Means the person or company to whom the consent to trade has been granted by Slough Borough Council.

- **Nominated Person** – Means the person or persons nominated by the Consent Holder to assist or carry on the business on his or her behalf.
- **Static Trader** – Means a trader granted permission by Slough Borough Council to trade from a specific and approved location.
- **Mobile Trader** – Means a trader who moves from street to street. All mobile trading (including ice cream vendors) is restricted to a maximum of 20 minutes static trading time period in any one particular location.
- **Authorised Officer** – means an officer employed by Slough Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2.2 Exempted Street Activities

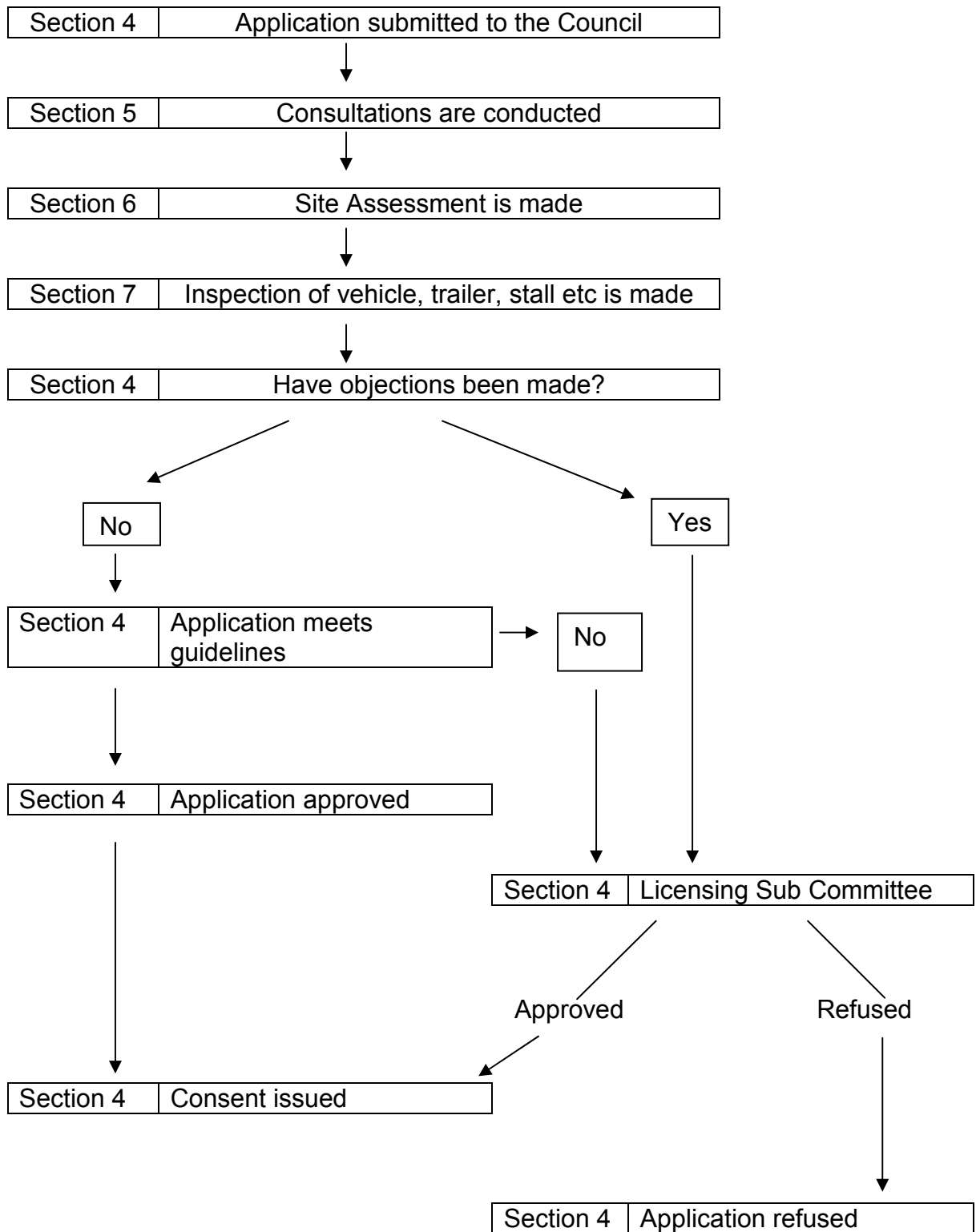
The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- (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.
- (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 and as part of the business or 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.
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
 - (i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point (f) above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls on the grounds that they are not roundsmen.

3. PROCEDURE FOR DETERMINING STREET TRADING APPLICATIONS

The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of this guide:



4. APPLICATION PROCEDURE

- 4.1 An application for a Street Trading Consent must be made to Slough Borough Council in writing. The application forms are included in this guidance at Appendix 1 (Application for Grant and Renewal) and Appendix 2 (Short Term / Temporary Consent) together with a copy of the General Terms and Conditions at Appendix 3. The application forms must be completed in full.
- 4.2 Applications can be made for Short Term / Temporary Consents on a daily, weekly, monthly, quarterly and six monthly basis. In all cases the full application for the Grant of a Street Trading Consent must be submitted in full. Thereafter the application form for a Short Term / Temporary Consent must be submitted at least 4 weeks prior to the first date the Consent is due to commence together with the appropriate fee for that period.
- 4.3 In keeping with the Council's policy on the introduction of e-Government, the Council consents to applications and other notices being given electronically in certain circumstances.
- 4.4 Incomplete applications will not be accepted.
- 4.5 A deposit of £250 will be required with the submission of the application. If the application is granted this sum will be deducted from the outstanding full payment, which must be paid in full as well as the criteria set out in the site assessment and inspection of the street trading unit being completed, prior to the Consent being issued. If the application is refused the sum will be used to cover the costs of administration and the consultation and therefore is non-refundable.
- 4.6 All applicants must provide proof of the right to work and reside in the UK. This can be done by providing a valid UK or European Union passport. Holders of other passports must show a valid visa that has at least six months remaining before its expiry at the time of application. A licence will only be granted until the expiry of the visa, and will only be renewed or extended on the production of a valid visa issued by the Home Office. Under no circumstances will letters from any source be accepted as proof of right to work. Applicants without a passport wishing to be able to work must have a valid ARC card or ISD document issued by the Home Office.
- 4.7 You will need to submit the following documents with the application.
 - (a) Valid Passport and appropriate visa where necessary.
 - (b) 2 additional forms of identification (please see page 3 of application form).
 - (c) 1 (one) Passport size photographs of all applicants and nominated persons.
 - (d) 9 copies of plans of the preferred trading site to a scale of 1:1250
 - (e) Written consent from the owner of any private land where trading is to take place.
 - (f) 1 (one) colour photograph of any vehicle, stall, stand, trolley etc.
 - (g) Evidence of Public Liability Insurance (£5m)
 - (h) Copies of any certificate or accreditation for food safety, hygiene, health and safety etc. (*We will normally only accept certificates or accreditations obtained within the last 3 years*)
 - (i) Basic Criminal Records Bureau disclosure for **all applicants and nominated assistants**.
- 4.8 An applicant for first time Street Trading Consent should give a minimum of 28 days notice of the application to the Licensing Team.

- 4.9 Where the application is for the **renewal** of a Street Trading Consent, the application must be received in full **no later than 1 MONTH** before the renewal date.
- 4.10 When an application form is sent to you, please ensure that you are provided with a copy of the General Conditions for Street Trading Consents. You should make your self fully familiar with these conditions before submitting your application.
- 4.11 The address at which the Council will accept applications and notices is:-
- (a) By post/personal service to The Licensing Team, MyCouncil, Landmark Place, High Street, Slough, SL1 1JL;
 - (b) By e-mail to licensing@slough.gov.uk;
 - (c) By fax to 01753 875809
 - (d) On-line (when the facility become available)
- For all enquiries please contact the Licensing team on 01753 875664

5. CONSULTATIONS ON APPLICATIONS

5.1 Before a **new** application for a Street Trading Consent is determined the Council will carry out a consultation process with various persons and groups. In particular we will consult with:

- Thames Valley Police
- Royal Berkshire Fire and Rescue Service
- Ward Members
- Slough Borough Council – Planning
- Slough Borough Council – Highways
- Slough Borough Council – Transport
- Slough Borough Council – Trading Standards
- Slough Borough Council – Parking and Development
- Slough Borough Council – Food and Safety Team
- Slough Borough Council – Neighbourhood Enforcement Team
- Slough Borough Council – Environmental Services and Quality
- The owner or occupiers of any property within 100 meters of the proposed site. This consultation will be by way of sending a copy of the Notice of Application to the relevant property owners

Please note a consultation process will not be conducted for renewal applications, unless there has been issues raised by any of the above listed consultees during the term of the previous Consent.

- 5.2 The consultation will normally take 28 days in order that any objections to the application can be made in writing.
- 5.3 If no objections are received the application will be granted and the Street Trading Consent issued (subject to full payment being received)
- 5.4 The time scale for determination of a licence application where no objections have been received will normally take about 4 weeks as long as the full application criteria has been met.
- 5.5 If objections are received the application will be put before a Licensing Sub Committee

for determination.

- 5.6 The time scale for determination of a licence application where objections have been received may take between 6 to 8 weeks dependant upon the date of the sitting of the Licensing Sub Committee.
- 5.7 The Licensing Sub Committee is made up of local Councillors who will determine each application on its own individual merits. At the committee hearing the applicant(s) and objectors will be given the opportunity to put their case forward. The Committee are empowered to grant, refuse or apply any relevant conditions in addition to the General Conditions to any licence application put before them.

6. SITE ASSESSMENT

6.1 Street Trading Consents from static locations will not normally be granted where:

1. 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
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
5. There is a conflict with Traffic Orders such as waiting restrictions, or
6. 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
7. The trading unit obstructs the safe passage of users of the footway or carriageway, or
8. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
9. The site does not allow the Consent Holder, staff and customers to park in a safe manner
10. 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.

7. INSPECTION OF STREET TRADING UNIT

7.1 The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Food Premises (Registration) Regulations 1991
- Food Safety Act 1990
- Food Safety (General Food Hygiene) Regulations 1995
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Environmental Protection Act 1990.
- The Road Vehicles (Construction and Use Regulations) 1986

Further advice on any of the above requirements can be obtained by telephoning: 01753 875664

8. ISSUE OF STREET TRADING CONSENTS

8.1 Street Trading Consents are issued for a maximum of 12 months.

8.2 Shorter Term consents may be applied for and issued