

Street Trading Consents and Licences

Application and Information Guidelines

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Section 1 General Principles

1. These guidelines have been developed to assist persons applying for Street Trading Consents or Licences in North Somerset. They were agreed by the Planning and Regulatory Committee on the 21 July 2010 and set out the standards for determining applications and the enforcement of street trading activities in the North Somerset area.
2. North Somerset has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading within its area. The Council has further 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.
3. North Somerset Council will apply these guidelines 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.

1.1 Definitions of terms used in these Guidelines

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

<i>The Council</i>	Means the North Somerset Council
<i>Street Trading</i>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
<i>Street</i>	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.
<i>Consent Street</i>	Means a street in which street trading is prohibited without the consent of North Somerset Council.
<i>Licence Street</i>	Means a street in which street trading is prohibited without a licence granted by North Somerset Council.
<i>Consent/Licence</i>	Means a consent or licence to trade on a street by North Somerset Council.
<i>Consent Holder</i>	Means the person or company to whom the consent to trade on a street has been granted by North Somerset Council.
<i>Licence Holder</i>	Means the person or company to whom a licence to trade on a street has been granted by North Somerset Council.
<i>Authorised Officer</i>	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.

1.2 Exempted Street Trading Activities

5. 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.
 - (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 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.
 - (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.
6. 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.

1.3 Street Trading Consents for which fees are not payable

7. 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 for charitable purposes.
 - (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.
 - (d) Trading Concessions granted by the council on their land (a Street Trading Consent or Licence will still be required).

1.4 Farmers Markets

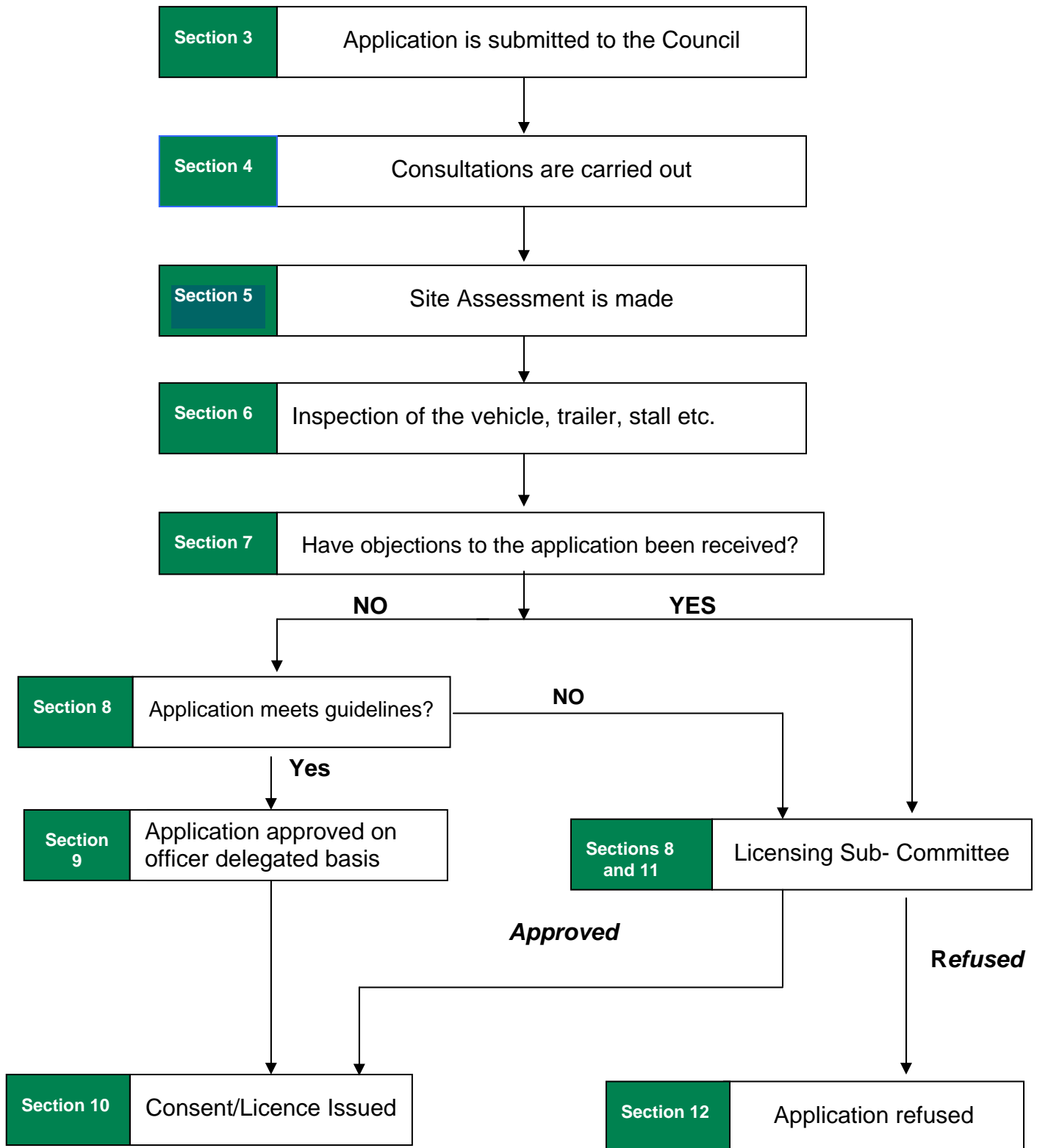
8. Farmers Markets will be subject to the street trading scheme but at a reduced fee as detailed at Appendix 5.

1.5 Mobile Trading

9. A Street Trading Consent or Licence will only be required where trading continues for more than 60 minutes with no return to the same location in the same day.

Section 2 Procedure for determining Street Trading Consent and Licence Applications

10. 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:



Section 3 Submission of the Application

11. An application for a Street Trading Consent or Licence must be made to North Somerset Council in writing. The application form and a Notice of Application are included in these guidance notes at **Appendix 1**. If you need any help in completing the application form please contact the Council's Licensing Team on 01934 426 800.
12. You will need to submit the following documents and fees with the application:
 - (a) A completed and signed 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) 3 copies of a map of the trading site to a minimum of 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
 - (d) Three colour photographs of the stall, van, barrow, cart etc that will be used for the street trading activity.
 - (e) An original 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) 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. Permissions given by leaseholders to use land for street trading purposes will only be accepted where the terms of the lease permits the type of street trading activity being applied for.
13. 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.
14. Applications should preferably be made in person to the Licensing Team at the Warne Road Depot, Warne Road, Weston-super-Mare between the hours of 9.30 am -12.00 noon and 1.30 - 4.00 pm. On-line applications can be made via the Council's website at www.n-somerset.gov.uk.
15. Applications will be considered from organisers of Farmers Markets, Commercial Car Boot Sales, Fetes and similar Community Events on the basis of one Block Consent for each market or event held. The market or event 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. A separate Consent will be required for each market, car boot sale or event held.
16. An applicant for the grant of a first time of an annual Street Trading Consent or Licence **should give a minimum of 60 days notice to the Council**.
17. Further information regarding making an application can be obtained by contacting the Licensing Team as follows:

Telephone	01934 426 800
Fax	01934 426 230
E-mail	licensing@n-somerset.gov.uk

Section 4 Consultations on applications made

18. Before a Street Trading Consent or Licence is granted or renewed the Council will carry out a consultation process with various persons and organisations. In particular we will consult with the following:

- The Highways Authority for North Somerset Council
- Avon and Somerset Constabulary
- Avon Fire and Rescue Service
- North Somerset Council Food/ Health and Safety and Pollution Teams
- North Somerset Council Ward Members
- The appropriate Parish or Town Council
- The land owner of the proposed street trading site if it is on private land

The consultation period with the above organisations and persons will be 28 days from the date of a complete application being made to the Council.

19. For new applications, in addition to the above, a Notice of Application (see Appendix 2) will be displayed at the site giving details of the application made. The notice will be posted by the Council and will remain in place for a period of at least 28 days after an application has been made to the Council. The Council may also carry out further consultations with property owners within the immediate vicinity of the proposed trading site. This consultation will be by the Council sending copies of the Notice of Application to property owners who will be immediately affected by the proposed trading site.

20. Written observations from the above bodies, organisations and occupiers of properties will be sought and then taken into consideration when determining an application that has been made to the Council.

Section 5 Site Safety Assessment

21. Street Trading Consents or Licences from static locations will **not** 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 is a conflict with Traffic Orders such as waiting restrictions, or
4. 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
5. The trading unit obstructs the safe passage of users of the footway or carriageway, or
6. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
7. The site does not allow the Consent or Licence Holder, staff and customers to park in a safe manner, or
8. 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.

Section 6 Inspection of the Street Trading Unit

22. 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 permissions. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the proposed business shall comply with the following legislation:

- Food Hygiene(England) Regulations 2006
- The General Food Regulations 2004
- Regulation 852/2004 on hygiene of foodstuffs
- Food Safety Act 1990.
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act.
- Environmental Protection Act 1990.

Further advice on any of the above requirements can be obtained from the Commercial Services team on:

01934 634 633

Section 7 Objections to the application

23. If relevant objections are received against the granting of a Street Trading Consent or Licence from any of the following:

1. Occupiers of property within the immediate vicinity of the proposed site.
2. North Somerset Council Ward Members (who can object as an individual or on behalf of constituents).
3. Parish or Town Councils.
4. Police, Fire or Highway Authorities.
5. North Somerset Council Food/ Health and Safety or Pollution Teams.
6. The land owner of the site proposed to be used for street trading.

the application will be referred to the Council's Licensing Sub-Committee for determination.

24. Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Whether any road safety issues have been identified.
3. Compliance with food and health and safety legislation.
4. Concern of public order problems resulting from the proposed street trading activity.
5. Whether there are any fire safety issues present.
6. Whether the objection is relevant, vexatious or repetitive.

25. If a written objection from the person or organisations listed above is received and deemed appropriate, the application will be referred to the next available meeting of the Licensing Sub-Committee for consideration and determination. The applicant will be informed in writing of the

referral of the application to the Licensing Sub-Committee and notified of the date when the application will be considered.

26. Persons making written objections will also be informed of a decision to refer an application to the Licensing Sub-Committee and notified of the date of the hearing of the application.
27. The appropriate North Somerset Council Ward Members for the proposed street trading site will be informed of a referral of an application to the Licensing Sub-Committee for consideration.

Section 8 Determination of the Application

28. The Licensing Sub-Committee and officers on a delegated basis 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.

8.1 Site Safety

29. 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.

8.2 Public Order

30. The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from the Avon and Somerset Constabulary will be taken into consideration under this heading.

8.3 Avoidance of Nuisance

31. The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council’s Environmental Protection Team shall be taken into consideration under this heading.

8.4 Conflict with other like trading outlets and school premises

32. The presence of other like trading outlets and proximity of schools shall be taken into consideration as follows:

1. The presence of like trading outlets already existing in the immediate locality of the proposed street trading site.
2. Fast food vendors will not normally be permitted to trade within 500m of a school.
3. On lay-bys and trading estates there shall be no other street trading consents granted within 500 metres of an existing Consent.

8.5 Compliance with legal requirements

33. The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations made on the compliance with the requirements of Food Safety and Hygiene, Health and Safety, Environmental Protection and fire safety legislation shall be taken into consideration.

8.6 Observations from members of the public or representative organisations

34. In relation to points 8.1 – 8.4 above consideration will also be given to written observations from other persons or organisations. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made under the criteria set out in paragraph 24 above.

8.7 Permitted Trading Hours

35. 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 is proposed to be sold.
36. The Council however retains the right to specify permitted hours of trading that are less than those applied for if local circumstances require it.

8.8 Compatibility of the proposed street trading operation

37. The proposed trading operation should compliment 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.

8.9 Officer decisions on applications made

38. If a relevant objection is made against an application for a Street Trading Licence or Consent, the applicant will be offered a meeting to discuss the reasons for a potential refusal of the application. At the meeting the applicant will be informed of the criteria from these Guidelines which are considered to have not been met. The applicant will be given an opportunity to discuss any relevant matters in relation to the application that has been made. If after the meeting the applicant wishes to continue with the application, the application will be referred to the Licensing Sub-Committee for determination.
39. If an applicant refuses an offer of attending a meeting with officers, or fails to attend, a letter will be sent to the applicant confirming the referral of the application to the Licensing Sub-Committee for determination.

Section 9 Approval of Applications

40. The Council's Licensing Sub-Committee, or officers on a delegated basis (where no representations have been made against the application) may approve applications meeting the criteria contained within these guidelines.
41. On approving the application the Council will issue a Street Trading Consent or Licence to which conditions will be attached. The Consent or Licence will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at **Appendix 3**. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the Consent being granted by the Council. The types of conditions that will be considered to be attached to Street Trading Licences are shown at **Appendix 4**.
42. The conditions attached to the Consent or Licence form part of the approval to carry out street trading in North Somerset. They **MUST** be complied with at all times and failure to do so could lead to the Consent or Licence being either revoked, or not renewed. Consent or Licence Holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading permission and comply with the requirements at all times.

Section 10 Issue of Street Trading Consents and Licences

43. 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 1st April of any particular year. Shorter term Consents or Licences may be issued on a weekly basis. These particular Consents or Licences will expire, unless renewed, on the date specified in the permission granted.
44. 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 have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.
45. 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 following dates:
 - 1 April
 - 1 July
 - 1 October
 - 1 January
46. 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.
47. Cheques should be made payable to "North Somerset Council". The current fees are shown at **Appendix 5**.
48. Please note, if a cheque is dishonoured by a bank this will result in the consideration of the revocation of the Street Trading Consent or Licence issued by the Council unless payment of the outstanding fees is made in cash within 5 working days. In such cases an administration charge may also be imposed on the Consent or Licence Holder.
49. Street Trading Consent or Licence unit identification plates will be issued only at the Licensing Offices, Warne Road Depot, Warne Road, Weston-super-Mare. The applicant must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.
50. The Council offices are open to members of the public between the hours of 9.30 am – 12.00 noon and 1.30 - 4.00 pm Monday to Fridays. It is advisable to contact the Council on 01934 426 800 prior to collection any documentation or plates. This will allow us to prepare in advance the documentation or plates and avoid delays in providing the required service.

Section 11 Consideration of applications by the Licensing Sub - Committee

51. The Council's Licensing Sub-Committee has been established to consider applications in relation to licensing matters. The Committee consists of elected members of North Somerset Council who have received specific training in licensing issues. The Committee is supported by a clerk and a solicitor and meets on a regular basis. Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

52. The role of the Licensing Sub Committee is to: -
1. Determine applications to which objections, as defined in section 7 above, have been made:
 2. Review existing Street Trading Consents or Licences where a breach or breaches of the permission granted have occurred.
 3. Review Street Trading Consents or Licences where relevant representations have been received regarding the operation of a current trading site.
53. On receipt of a written objection, breach of a Consent or Licence condition or an unresolved application that does not meet the criteria in these Guidelines, arrangements will be made to have the application or matter heard at the next available meeting of the Licensing Sub-Committee.
54. Once arrangements have been made for the application to be heard by the Licensing Sub-Committee persons making the objection or reference to the Sub-Committee will be advised in writing of the date, time and place where the application will be heard. The Council will endeavour to have applications heard as quickly as possible.
55. The person making a representation against an application or an existing Street Trading Consent or Licence to the Licensing Sub-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 Sub-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.
56. In determining an application the Licensing Sub-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.
57. Where objections have been raised to the granting a Street Trading Consent or Licence the Licensing Sub-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 Sub-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.
58. The Licensing Sub-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 Sub-Committee will retire and come to a decision on the application. When a decision has been reached the Sub-Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Licensing Sub-Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.
59. The Licensing Sub-Committee will always strive to ensure that when it is considering an application that all persons get a fair hearing through:
1. Considering each case on its merits.
 2. Using these guidelines to assess applications where it is felt appropriate.
 3. Dealing with the application in a balanced and impartial manner.
 4. Ensuring that the rules of natural justice are applied in any hearings held.
 5. Giving a person making an application or an objection sufficient opportunity to present their case, ask questions of officers and members of the Sub-Committee and present information for consideration in support of their objection.

Section 12 Refusal of Applications

60. 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 Sub-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.
61. 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 Sub-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.
62. Where a deposit has been made with an application, 50% of the deposit will be refunded to the applicant in the case of an application not being granted.

Section 13 General Information on Street Trading Consents

13.1 Planning Permission

63. The issue of any street trading consent or licence in relation to any particular land does NOT constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose. Use of the land for trading may, therefore, amount to a material change of use for which planning permission is required notwithstanding that a street trading consent may have been granted. You should contact the Council's Development Control Group on 01934 426359 and seek advice as to whether an application for planning permission needs to be made in respect of the proposed use of the land. Planning enforcement action could be taken in situations where planning permission is required but not obtained.

13.2 Use of biodegradable materials for food packaging

64. Wherever possible food traders will be expected to use biodegradable materials in connection with the packaging of food served to members of the public.

13.3 Trading Unit Identification Plates

65. All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Consent or Licence. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.
66. The trading unit identification plate should be returned to the Council if the Consent or Licence Holder ceases to trade and surrenders his/her Consent or Licence.

13.4 Reimbursement of Fees

67. Fees will be reimbursed to Consent or Licence Holders where they cease to trade and surrender their Consent to the Council. Any fee reimbursement will be on the following basis:
 1. From the date the Consent or Licence is surrendered to North Somerset Council, or

2. From the date that the Consent or Licence is revoked by North Somerset Council.

68. Any refunds of a fee paid in connection with the surrender or revocation of a Street Trading Consent or Licence will be based on the following formula:

Number of complete days remaining multiplied by the Daily Fee **less** the current administration fee.

For Consents or Licence granted on an annual basis the daily fee will be calculated by dividing the annual fee due by 365.

13.5 Persons under the age of 17 years

69. The Council will not grant a Street Trading Consents or Licences to persons under the age of 17 years.

13.6 Access by Council and Police Officers

70. Consent or Licence Holders should allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council officers will carry with them and produce on request official identity cards issued by North Somerset Council. If you have any doubts about a person claiming to be from North Somerset Council ask to see their official identification card. If you remain uncertain please contact the Council on 01934 426 800 and ask to speak to a Senior Officer.

13.7 Transfer of Permissions Granted

71. The conditions attached to all Street Trading Consents and Licences stipulate that a Consent or Licence Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent or Licence.

The Consent or Licence granted is specific to the person it is issued to and is non-transferable.

A change of ownership of the business will require a new application to be made to the Council and the full application and consultation process will apply.

Section 14 Enforcement of Street Trading

72. 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 Departmental Enforcement Policy, copies of which are available free of charge. If you require a copy please contact the Licensing Team on 01934 426 800.

73. The following principles will be adhered to when carrying out street trading enforcement activities:

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.

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.

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.

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.

Complaints against the Service

74. 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, telephone 01934 426 800.
75. If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme.

Section 15 Licensing Act 2003

76. Under the Licensing Act 2003 persons selling hot food between the hours of 2300 and 0500 hours are required to hold a Premises Licence. This requirement is in addition to the requirement to hold a Street Trading Consent or Licence.
77. These notes are intended to cover the Street Trading permissions only, and separate application and consultation arrangements are required under the Licensing Act 2003.
78. If you are intending to sell hot food between the hours of 2300 and 0500 hours, please contact the Licensing Team on 01934 426 800 to obtain further information and advice.

Section 16 Renewal and Reviews of Consents and Licences

79. Street Trading Consents and Licences will be renewed on application by the Consent/Licence holder. The Licensing Team will send out a reminder to consent/licence holders along with a renewal form prior to a Consent or Licence expiring. The final responsibility for renewing a Consent or a Licence remains with the licensee.
80. Consultations will be held with the following organisations to ensure that they are satisfied that the Consent or Licence should be renewed:
1. Avon and Somerset Constabulary
 2. Avon Fire and Rescue Service
 3. Environmental Health (Food/Health and Safety/Pollution)
81. A Consent or Licence will be renewed unless objections are received from the organisations detailed in paragraph 80 above.
82. If during the lifetime of a Consent or Licence relevant objections are received from the organisations or persons mentioned in paragraph 18 above, or members of the public, regarding the operation of the permission, the Licensing Authority will endeavour to resolve any non-compliance with permissions granted with the Consent or Licence Holder. If the matters raised remain unsolved a request to review of the permission granted and will referred to the Licensing Sub-Committee for determination.
- 83 Failure to pay Consent or Licence fees will also be the subject of a referral to the Licensing Sub-Committee for a review of the permission granted.



**APPLICATION FOR THE GRANT OR RENEWAL OF A STREET TRADING
PERMISSION**

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

Type of Permission: Trading Consent Trading Licence

I/We _____

Address _____

Telephone Number _____

Email Address _____

Trading as _____

HEREBY APPLY FOR THE GRANT/RENEWAL of a Street Trading Consent/Licence in accordance with the following particulars:

The Street/Location I/We wish to trade is: _____

I/We wish to trade as detailed below

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM							
TO							

Date or dates Consent/Licence is sought _____

The articles I/We wish to trade in are _____

Please detail toilet facilities for persons working on a static site:

Will the Consent Holder be present when street trading takes place? Yes No

If no, name of the person who will be present and responsible for the unit/stall:

APPENDIX 1

I/We will be trading from a:

Van

Trailer

Cart

Barrow

Other (describe) _____

Dimensions: _____

Colour _____

Will you have tables and chairs on the site? Yes No

If yes, Number of Tables: _____ Number of Chairs: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner: _____

Do you hold, or have you previously held, or been refused, a Street Trading Consent or Licence with this or any other Council? If yes, please give details

I/We declare that I am/we are NOT under the age of 17 years

Date of Birth(s) _____

I/We declare that the information given in this application is true.

Signature of applicants _____

Date _____

Please return this form to: **Data Protection Act 1998**

North Somerset Council
Licensing Team
Warne Road Depot
Warne Road
Weston-super-Mare
North Somerset
BS23 3ND

The personal data you provide on this form will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training.

APPENDIX 2

NOTICE OF INTENTION TO APPLY TO NORTH SOMERSET COUNCIL FOR THE GRANT OF A STREET TRADING CONSENT/LICENCE

FULL NAME OF APPLICANT(S) _____

LOCATION OF PROPOSED STREET TRADING SITE:

ARTICLES TO BE SOLD: _____

DESCRIPTION OF STALL OR OTHER STRUCTURE TO BE USED:

PROPOSED TIMES OF TRADING:

	MON.	TUES.	WED.	THURS.	FRI.	SAT.	SUN.
FROM							
TO							

PROPOSED COMMENCEMENT DATE (if the application is granted) _____

SIGNATURE OF APPLICANTS(S) _____

DATED _____

ANY PERSON WISHING TO MAKE A REPRESENTATION REGARDING THIS APPLICATION SHOULD WRITE TO THE LICENSING TEAM, NORTH SOMERSET COUNCIL, WARNE ROAD DEPOT, WARNE ROAD, WESTON-SUPER-MARE, NORTH SOMERSET, BS23 3ND BY NO LATER THAN:

Issued by North Somerset Council Licensing Team, telephone 01934 426 800

STREET TRADING CONSENT CONDITIONS

GENERAL CONDITIONS

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce the Consent on demand when so required by a duly authorised officer of the North Somerset Council, or by a Police Officer.
2. 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.
3. The Consent Holder shall notify the Licensing Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent.
4. The Consent Holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but may surrender it to the Council at any time.
5. 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.
6. 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.
7. 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.
8. This Consent does not infer or grant exclusive 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.
9. 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

10. 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.
11. The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
12. 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.
13. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The Consent Holder shall not

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.

14. 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.
15. 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.
16. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
17. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved manner.
18. 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.
19. 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 display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.
23. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
24. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
25. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
26. 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.
27. All street Trading fees are due in advance on the 1st April 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.
29. The Consent Holder shall at all times conduct his business in a clean, honest, civil and businesslike manner without interfering with the business of other Traders and Consent Holders.

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 legislation in force. Particular attention, where appropriate, should be paid to Health and Safety, Food Safety and Food Hygiene, Nuisance and Highways legislation.

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.
33. The holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the Consent.
34. The holder shall return this Consent to the North Somerset Council immediately on revocation or surrender of the Consent.

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the North Somerset Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: (c) Any road, footway, beach or other area to which the public have access without payment. (d) 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 the district council.
Authorised Officer	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.

THIS CONSENT DOES NOT:

- 1. Permit trading outside the terms of the Consent.**
- 2. Indicate that planning permission is not required.**

Please note:

- (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.**
 - (b) That the grant of one or more street trading consents does not give the trader immunity from planning control.**
 - (c) The Council has discretion whether or not to enforce planning laws in relation to street trading.**
- 3. Indicate that the unit is exempt from business rates.**
 - 4. Over ride parking restrictions or any other traffic regulations.**
 - 5. Imply approval from the highway authority or any other person or authority**

Street Trading Licences

In granting Street Trading Licences the following will be specified on the Licence:

1. Principal Terms

1. The street on which the street trading can take place.
2. The days and times the Licence holder is permitted to trade.
3. The description of articles in the licence holder is permitted to trade in.
4. The location within a street that the street trading may take place.

2. Subsidiary Terms

1. The size and type of any stall or container which a licence holder may use for trading from.
2. That on any stall or container there shall be displayed the name of the licence holder and the number of the licence that has been granted.
3. Prohibition on the leaving of refuse at the site once trading has ceased.
4. Any other conditions the Council consider reasonably necessary in connection with issue of the Licence. These generally will be taken from the conditions detailed in Appendix 3 for street trading consents but will be specific to the type and location for which the Licence is being granted.

Fees and Charges for Street Trading Consents and Licences

Description	Fee
Fee for use of a consent issued by the Council	
Street Trading Licence Annual Fee	£2652.00
Street Trading Consent – commercial trading site	£2122.00
Street Trading Consent – all other sites	£1592.00
Three Monthly Fee(Licence)	£663.00
Three Monthly Fee(commercial trading site)	£530.50
Three Monthly Fee(all other sites)	£398.00
Weekly Fee or part thereof(Licences and Consents):	£54.00
Farmers Markets Consents	£37.00
Administration Charge	£30.00
Fee exemptions:	
Fetes and community events held for charitable purposes; non-commercial car boot sales; sales by householders on land contiguous with their homes.	

Notes to Fees

1. The fees are payable for each unit and/or site consent or licence granted.
2. Fees paid on an instalment basis are due on the following dates of any particular year:
 - 1st April
 - 1st July
 - 1st October
 - 1st January
3. A deposit of 25% of the full fee must be paid at the time of submitting an application. Fees of periods of less than 15 days will require submission of the full fee with the application.
4. If an application is unsuccessful, 50% of the deposit submitted with the application will be retained by the Council to cover administration charges.
5. Farmers Markets will be subject to the above fee for each market that takes place for which a separate Consent will be required, but will be exempt from the annual/weekly fee.
6. The fees are reviewed annually and any changes are made from the 1 April of each year.
7. The Council, where considered appropriate, will recover charges separately from the above fees, from licence holders, for the collection of refuse, the cleansing of streets and other services rendered by the Council in relation to the licence issued. Before such charges are made, the consultation procedures outlined in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 will be complied with.