

Street Trading Policy

In accordance with the provisions of Schedule 4 of the
Local Government (Miscellaneous Provisions) Act 1982

(Version 2 Draft for Consultation)

Version	2
Date	21/12/2015
Author	Gary Marshall



Derby City Council

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1. Version Control

Version	Date	Changes	Author
V 1	11/11/2015	1st Draft	G Marshall
V 2	21/12/2015	Draft Update to include comments	G Marshall
V 2.1	05/01/2016	Text changes following consultation	G Marshall
V 2.2	08/11/2016	Amendments following meeting of 08/11/2016. Comments removed.	G Marshall
V2.3	16/02/2016	Section 10 added Appendix D added	G Marshall
V2.4			
V2.5			

2. Forward

We recognise the importance that a well-managed street trading economy brings to the overall commercial wellbeing and vibrancy of the city. In many instances it acts as a catalyst or stepping stone to individual commercial aspirations and can enhance local environments and meet community needs. We want to encourage these endeavours and support local businesses to flourish. However, this can only be achieved by the application of proportionate regulation and control of the activities.

It is our hope that the adoption of this policy will, for the first time in Derby, provide a comprehensive and consistent approach to our regulatory role and inform new and existing street traders, our partners, stakeholders and licensing officers, of the expectations that are placed on them. We fully recognise that we are dealing with individuals' livelihoods and guided by this policy it is our hope that our considerations are fair, transparent, balanced and that the regulatory responsibility is proportionately discharged.

In all our dealings on these matters we place great importance on transparency and the publication of this policy is a demonstration of our commitment in this respect and it our sincere hope that it proves helpful to our existing street trading community and prospective traders alike.



Cllr Balbir Sandhu
Chair of Licensing Committee



Cllr Martin Rawson
Deputy Leader of the Council &
Cabinet Member, Communities & City
Centre Regeneration

3. Glossary of Terms

Term	Meaning
The Council	Derby City Council
The Act	Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
The Committee	Licensing Committee
The Director	Director of Communities, Environment & Regulatory Services.
A Street	Any road, footpath, beach or other area to which the public have access without payment and a service area as defined by section 328 of the Highway Act 1980.
Street Trading	The selling or exposing or offering for sale any article (including a living thing) in a street.
The Applicant	A prospective trader who has submitted a Street Trading License/Consent application.
Street Trading Consent	A formal binding document giving the Council's consent to the applicant in order that they may trade on the street for a period up to 12 months.
Consent Holder	An individual that holds a Street Trading Consent.
Consent Street	Permission to trade, which is granted by a council for a period up to 12 months subject to conditions and payment of a fee.
Street Trading License	A formal binding document giving the Council's license to the applicant in order that they may trade on the street for a period of 12 months.

License Street	A street includes any road, footway, beach or other area to which the public have access without payment.
License Period	12 month period between 1 April to 31 March
Prohibited Street	A street in which any street trading is prohibited
The Pitch	The specific location to which the Street Trading License/Consent applies.
A Rounds man	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a rounds man.
A Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • hold a valid pedlar's certificate, issued by a Chief Constable of Police.
Peripatetic Trader	<p>A peripatetic street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does • not return to that location within four hours • does not wait in one location for more than twenty minutes • does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment).
Licensing Team/Officer	Officers employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

4. Introduction

Street trading activities in the city centre, on commercial trading estates, around sporting or entertainment venues and neighbourhood shopping centres are an essential ingredient of a vibrant and lively city. As the economy continues its recovery there is an increasing demand in Derby for a well managed street trading function with proportionate regulation that serves to enable street trading activities to take place.

This policy sets out The Licensing Team's framework for the management and regulation of street trading in Derby. It aims to enable the provision of a healthy competitive trading environment, prevent the obstruction of the highway and prevent any local nuisance caused by the activities.

The document will guide the Licensing Team when they consider applications for Street Trading License/Consents. It will also inform and advise applicants of the parameters in which decisions are made and makes clear the expectations placed on prospective and existing license/consent Holders.

This Policy has therefore, been written with a view to securing the following objectives:

- to enhance the economic vibrancy of Derby;
- to protect public health through the regulation of street trading within Derby;
- to ensure that traders operate within the law and act fairly in their dealings with their customers;
- to encourage commercially viable competition;
- to prevent nuisance, unsafe practices and anti social behaviour;
- to protect road users and pedestrians;
- to provide a consistent city-wide approach to the regulation of street trading activities.

5. Legal Framework

- 5.1 Derby City Council (The Council) draws authority to manage and regulate street trading activities within the city boundary through the provisions of Schedule 4 of the Local Government (Miscellaneous Provisions Act 1982 (The Act).
- 5.2 The Act defines 'Street Trading' as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:
- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
 - (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - (c) Trading as a news vendor.
 - (d) Trading at or adjoining a shop premises as part of the business of the shop.
 - (e) Offering or selling things as a rounds man.

The Act enables The Council to discharge its statutory powers by the designation of 'Consent Streets' 'Licence Streets' and 'Prohibited Streets'

The Act defines a street as any road, footway, beach or other area to which the public have access without payment; and a service area.

- 5.3 There are certain activities that fall outside the provisions of The Act and do not therefore require a Street Trading license/consent. These are:
- a. A Pedlar under a pedlar's certificate
 - b) A News Vendor
 - c) A Market or Fair, the right to hold which having been obtained by a grant, enactment or order
 - d) At or adjoining a shop premises as part of the business of the shop
 - e) As a rounds man (i.e. delivering pre-ordered goods to customers)
 - f) A licensed highway area
 - g) A Street Collection permit for charitable purposes

6. The License/Consent Application Process

- 6.1 An application for, and approval of a static or mobile street trading license/consent is not one that can be taken lightly. It is in the public interest, the need for highway safety and consideration of commercial viability that a consistent and transparent process is in place. Applicants are therefore advised to consider carefully this policy before submitting an application.
- 6.2 An application can be made at any time however, the License Period runs 12 months from 1 April to 31 March. A license/consent can be granted at any time and will run for a period up to 12 months.
- 6.3 The Council must undertake certain checks before any application can be granted. In normal circumstances we aim to process all applications within 28 days from receipt of the application.
- 6.4 The Director of Communities, Environment and Regulatory Services (or his/her nominee) has delegated authority from the Licensing Committee to issue Street Trading Licenses/ Consents.
- 6.5 To enable consideration of the application The Applicant must submit the following documentation to The Licensing Team:
 - a) A completed and signed relevant Street Trading license/consent Application Form (see Appendix C).
 - b) Two (recent and identical) passport size photographs signed and dated on the reverse.
 - c) Proof of identity documentation: passport, photo driver licence, current utility bill/ bank statement and right to work documentation (if applicable).
 - d) The appropriate license/consent application fee (see Appendix E).
 - e) Where the proposed street trading activity is from a fixed position, a copy of an ordnance survey based map of at least 1:1250 scale.
 - f) An assessment of any site specific risk to be provided in the format prescribed by the Licensing Team.
 - g) Three colour photographs of the stall, van, barrow, cart etc that will be used for the street trading activity showing the front, rear and side of the unit and dimensions of that unit.
 - h) Written permission from the landowner if the street trading activity is to be carried out on land in private ownership.
 - i) If trading in food, details of any food hygiene qualifications and confirmation that their business has or will work towards attaining a food hygiene score rating of 3 or above with 1 month of the license/consent being issued.

- j) An original certificate of insurance that covers the street trading activity for third party and public liability risks up to a minimum of £2,000,000.
 - k) A certificate of insurance in respect of the vehicle and/or the tow vehicle you propose to use.
 - l) An appropriate vehicle test certificate.
 - m) Declaration that you have registered as a food business (where appropriate).
 - n) Any permissions or consents already granted with regard to the proposed operation, e.g. planning consent, late night refreshment premises licence, waste disposal agreement.
- 6.6 If any of the required documentation expires during the term of the applicants license/ consent period, the license/consent will cease to have effect until the applicant has produced current valid documentation to the Licensing Team.
- 6.7 Please note: all vehicles/units will be inspected prior to issuing license/consent. If the vehicle/unit is, in the opinion of the Licensing Team unsuitable the matter will be placed before the Director of Communities, Environment and Regulation for determination.

PLEASE NOTE: Applicants are advised not to purchase the vehicle, trailer or unit until the application has been received and initially considered by the Licensing Team.

Consultation

- 6.8 Before a license/consent is granted by the Council for the purposes of street trading we will, where appropriate, seek comments from:
- Ward Councillors
 - Business Improvement Districts (City Centre Pitches Only)
 - Derby LIVE (City Centre Pitches Only)
 - Derby Highways Services
 - Derby Planning Services
 - Derby Trading Standards
 - Derby Food Safety Team
 - Where applicable local residents, shop owners and any other person which may be affected
- 6.9 Once we receive an application, twenty one days will be given for comments to be received. If no representations are received, The Council may grant the application in the terms applied for, and standard conditions will be attached to the license/consent (subject to all other requirements in this policy).
- 6.10 Where objections are received and not resolved relating to the grant or renewal of license/consent, the application will be referred to the Licensing Sub-Committee for determination.

7. Grounds for Refusing a License/Consent Application

- a) Failure to provide any of the documentation detailed in Section 6 of this policy.
- b) The Applicant is under 17 years of age.
- c) The license/consent, if granted would be unsafe to road users, general pedestrians and customers.
- d) There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street.
- e) The proposed pitch would cause damage to the adjacent verge or highway.
- f) There is undue concentration of traders trading in the street/area in which the applicant desires to trade.
- g) In the opinion of The Director (or his/her nominee) the financial viability of the proposed or existing pitches could not be sustained.
- h) The range of goods in which the applicant desires to trade is likely to have a detrimental impact on public health, given the proposed location in terms of its proximity to a local school or college.
- i) The license/consent, if granted, is likely to result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the license/consent.
- j) The size, nature or appearance of the proposed premises (barrow, stall, unit, vehicle, trailer or other) (and any associated equipment) is inappropriate for the proposed location in terms of amenity or public or highway safety.
- k) The license/consent, if granted will present an unacceptable risk to health resulting from non compliance with food hygiene regulations.
- l) The structure / equipment / appliances / layout / location of the proposed premises (barrow, stall, unit, vehicle, trailer or other) present an unacceptable public safety risk.
- m) The proposed trading hours are outside the usual business hours of shops in the vicinity (except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis).
- n) Any other reason (relevant to the street trading policy objectives).
- o) Failure to carry out and provide a Risk Assessment to the Licensing Team.

8. Location Specific Conditions – City Centre

9. Location Specific Conditions – Pride Park

Following the opening of the Pride Park Stadium (now i-Pro Stadium) in 1997, the Planning and Technical Services Committee approved recommendations from the Director of Corporate Services on 17 June 1998, to establish a policy specifically for the management of match day related street trading activities on the approaches to the stadium and the surrounding mainly residential areas.

In order to manage the anticipated increase in, mainly hot food and football paraphernalia, street trading activities around the i-Pro Stadium, the June 1998 Report established the area immediately surrounding the stadium as detailed on Appendix C, as 'Consent Streets', in accordance with the provisions of The 1982 Act.

The Consent Street designation enabled the Council to control street trading activities and limiting them to:

- Provision of food, soft drinks and football favours
- Control the locations of the trading activities
- Restrict sales to match days only
- Apply standard conditions to the consents awarded

Also detailed on Appendix C, are the surrounding, mainly residential areas, which were designated as 'prohibited streets' to ensure that any match day related street trading activities in these areas could be prevented.

Whilst the restrictions in themselves have worked well in the intervening period, the current policy does not allow any street trading in the area on any other days but match days and given the 7 day nature of the destination retail, commercial and entertainment activities, this restriction is no longer necessary or appropriate

Since then the Pride Park area in general has developed into one of the most vibrant commercial, hospitality and retail areas in the city. In addition, the opening of the Derby Arena will further add to the vibrancy of the area on no-match days with varied events taking place there.

The adoption of the City-Wide Street Trading Policy incorporates the terms of the original Pride Park Street Trading Policy but changes the designation of the Consent Streets to License Streets in order that they can trade on no-match days. The policy retains the previous Prohibited Street designation in the surrounding residential streets.

10. Appendix A

Derby Boundary

11. Appendix B

Plan of Derby City Centre Showing Consent/License Streets

Insert Map

11. Appendix C

Pride Park License and Prohibited Streets

Insert Map

11. Appendix D

Street Trading License/Consent Application Form

DERBY CITY COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982

STREET TRADING LICENSE/CONSENT*

APPLICATION FORM

*Delete as required

Note: Please ensure that you have read and fully understand the contents of the Street Trading Policy before submitting your application.

Applicants Name	
Applicants Address	
Post Code	
Email Contact	
Tel. Number	
Make of Vehicle	
Registration No.	
Proposed Location	
Products to be sold	
Employees Name(s)	

<p>OFFICE USE ONLY</p> <p>Application Received:</p> <p>Application Approved:</p> <p>License/Consent Number:</p> <p>Receipt Number:</p>	<p>Please return the Application Form to:</p> <p>Licensing Team Communities, Environment & Regulatory Services Ground Floor Council House Corporation Street Derby City Council DE1 2FS</p>
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We will treat all information provided in confidence, in accordance with the Data Protection Act 1998 and only use it for the purposes of administering and managing your application. The information provided may be shared with other departments in the Council for the purpose of preventing fraud, misuse of public funds and any legal or statutory requirements. It may also be shared with other public bodies such as the Audit Commission for a similar purpose.

Please provide the followings items in support of your application:

1. Vehicle registration document
2. Gas Safety Certification
3. Two recent photographs of the applicant(s) and each employee working on the vehicle
4. A photocopy of your Third Party Public Liability Insurance
5. A photocopy of the applicant's driving licence or passport page showing their date of birth.
6. A Risk Assessment
7. The appropriate License/Consent Fee

This application form does not constitute an offer or contract and trading must not take place until a license/consent has been issued.

11. Appendix D

Street Trading License/Consent

DERBY CITY COUNCIL LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982 STREET TRADING LICENSE/CONSENT

This is to certify that pursuant to Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, Derby City Council hereby grants a Street Trading License/Consent to:

Name of License/Consent Holder	
Address of License/Consent Holder	
Trading as	
License/Consent Address	
For the sale of	
License/Consent period	
License/Consent Ref	

(hereinafter called “the license/consent holder”) to sell or offer or expose for sale the articles specified in Schedule 1 below in the streets in the City of Derby specified in Schedule 2, below, subject to the attached policy and following conditions:

1. The license/consent holder shall produce the license/consent, and give their name and address upon demand to a Police Constable or officer or servant of The Council.
2. So often as the license/consent holder changes their place or abode, they shall, within seven days after such change, give notice thereof, in writing, signed by them, to the Licensing Team, for the time being, of The Council, specifying in such notice their new place of abode, and they shall, at the same time, produce the license/consent to the Licensing Team in order that there may be endorsed thereon a memorandum specifying the particulars of such change.

3. No sale or offer or exposure for sale of any article for which the license/consent is granted shall take place at any time other than that permitted by the Act of Parliament for the time being in force relating to the opening hours of shops.
4. The Street Trading License shall remain in force until 31 March in the year in which it is granted, and shall be renewable annually on 1 April in succeeding years.
5. The license/consent holder shall so conduct their street trading activities under this license/consent that they do not obstruct the street or cause any danger to persons using the street, or cause nuisance or annoyance to persons either on the street or otherwise.
6. In the event of the license/consent holder breaching any of the above terms or conditions, the Council shall have power to revoke the license/consent.
7. The Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.
8. The license/consent holder must indemnify The Council against any claims of injury to persons or property which may arise through or in connection with the carrying out of your trade.
9. Street Trading licenses/consents cannot be sublet or transferred without prior permission from the Licensing Team.

SCHEDULE 1

Articles which may be sold, or offered or exposed for sale:

XXXXXXXXXX

SCHEDULE 2

Streets where articles may be sold or offered or exposed for sale:

XXXXXXXXXX

DATE OF ISSUE: **XXXXXXXXXXXX**

LICENSE/CONSENT NUMBER: **XXXXXXXXXXXX**

INVOICE NUMBER: **XXXXXXXXXXXX**

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 64XXXX
Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

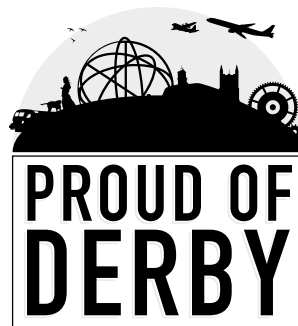
Prosimy o kontakt: 01332 64XXXX Tel. tekstowy: 01332 640666

Punjabi

ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ 01332 64XXXX ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم 01332 64XXXX پر ہم سے رابطہ کریں۔



Derby City Council

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