

STREET TRADING

INFORMATION PACK

What is a Street Trader?

A Street Trader is someone who:-

- i. Trades on any road, footways, highways, and other adjacent areas to which the public have access without payment. Traders must obtain land owners' permission when trading on private land.
- ii. Sells or exposes or offers for sale any article, whether food or non-food, including a living thing, whether with or without a stall or vehicle.
- iii. Trades from a fixed location.

Does the Control apply to all Traders?

No, there are various exemptions to the requirement to hold a Street Trading Consent:-

- i. Trading as a pedlar with a valid Pedlar's certificate issued under the Pedlars Act 1871. A pedlar is a person who travels and trades on foot and goes from town to town or from house to house carrying goods to sell. A pedlar cannot trade from a fixed spot. Pedlar's certificates are obtained from any main Police Station.
- ii. A roundsman, who is a person who delivers orders to the customer's door. This is a trader who calls by prior arrangement with the customer and sells at the customer's premises. Ice cream sellers or mobile food sellers are not deemed to be "roundsmen" and require a licence to trade in the street.
- iii. News vendors selling only newspapers and periodicals, unless the stall exceeds one metre in length or width, or two metres in height.
- iv. Trading from the forecourt of a petrol filling station.
- v. Trading from a stall outside a shop as an extension of that business.

How is Street Trading Controlled in Bromsgrove?

Bromsgrove District Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can effectively control street trading.

- i. All streets within Bromsgrove District have been designated as consented streets apart from those specifically prohibited (see Appendix A of the Council's Street Trading Policy).
- ii. This means that it is an offence to trade without Consent in any street, road, footway, highway, or adjacent area to which the public have access without payment, other than those prohibited where no trading at all can take place.
- iii. Trading without consent may result in prosecution.

- iv. If a trader has been granted a consent the Council has the right to vary or revoke the Consent at any time if the trader fails to comply with the conditions attached to the Consent.
- v. If you wish to trade outside of the Bromsgrove District you should contact the appropriate Authority for that area. Please note that different Authorities may have different procedures and rules regarding street trading.
- vi. If you wish to trade within the Bromsgrove District an application should be made to the Worcestershire Regulatory Services, Licensing Section, The Council House, Burcot Lane, Bromsgrove, B60 1AA.

How do I apply for Consent?

- i. Complete the appropriate application form – for a “static trader” if you wish to trade from a pitch, or for a “mobile” trader if you sell from street to street.
- ii. Attach to the application form the required documents, including a Basic Criminal Records Bureau Disclosure as listed on the application form.
- iii. Post to Worcestershire Regulatory Services, Licensing Section, The Council House, Burcot Lane, Bromsgrove, B60 1AA or bring to the Customer Service Centre, School Drive, Bromsgrove, the completed application form and original copies of any supporting documents (these will be copied and returned to you).

What Are the Fees Payable for Consent?

- i. Fees are payable for each unit or site. The fee is payable once a decision has been made on an application for a Consent. Fees should be sent with the completed application form.
- ii. Fees may be payable in instalments, by agreement with the Council.
- iii. Fees are reviewed annually and are applicable from 1st April each year.
- iv. Fees payable for static traders who trade from a fixed pitch are:-

	Food		Non Food	
	<i>Initial</i>	<i>Renewal</i>	<i>Initial</i>	<i>Renewal</i>
Single Unit up to 12m ² (max 5m length)	£1418	£1301	£1183	£1064
For every additional 12m ² or part thereof or length more than 5m	£600			
Mobile traders	£575 per vehicle, per annum			

How Long Does Consent Last for?

- i. Consent can be issued for any period up to a maximum of 12 months, unless surrendered earlier.
- ii. Renewals will take place on receipt of a completed renewal application form and payment of the appropriate fee.

Are Consents Transferable?

- i. No, they are not.
- ii. The Consent holder is entitled to a refund of part of the fee paid if the Consent is surrendered part way through the year.
- i. Refunds may be made on a pro rata basis, subject to an administration charge of £35.
- ii. If you do not renew the Consent on the expiry or surrender it before then, then any other person will be able to apply to trade from the same site.

What are the Responsibilities of a person granted consent?

Such a person is responsible for ensuring that:-

- i. The consent conditions are complied with.
- ii. All relevant certificates are produced to the Council with any application for Consent.
- iii. The vehicle or stall is registered with the Council if selling food of any description.
- iv. The Council will not be held responsible for any acts or omissions arising from the grant of Consent.
- v. Where trading is on private land, to which the public has access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council

Does the Grant of Consent by the Council give any other entitlement?

- i. No - It only permits trading within the terms of the Consent as specified. The Consent does not override any parking restriction or other traffic regulation.
- ii. The Consent to trade does not imply approval from any other person or authority.

Consideration and Determination of your Application

- i. When received by the Licensing Section your application form will be checked. Provided there are no queries arising from the application form, your application will be acknowledged in writing within 5 working days of

receipt. If there is a query then you will be contacted in writing and/or by telephone and given the opportunity to respond.

- ii. The completed application form will be copied for comment to various parties.

Usually these are the Police, Worcestershire County Council Highways Authority, Ward Councillors, the Parish or Town Council, Worcestershire Regulatory Services – Compliance Team, The Council's Community Safety Team, Trading Standards, local businesses within the vicinity of the proposed site of operation and any other relevant agency.

- iii. We aim to complete this process within 20 working days but may take longer if a Licensing Sub-Committee hearing is necessary.
- iv. If queries are raised at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them.
- vi. Having received all comments/objections and taking into account the Council's adopted Street Trading Policy, the Head of Worcestershire Regulatory Services or one of his nominated officers, under the Council's Scheme of Delegation, may then determine applications where there are no objections and where the application is to be granted. Where your application cannot be granted, or where objections are received, your application will be referred to the Council's Licensing Sub-Committee for consideration and determination.
- vi. You will be informed in writing of the recommendation to the Licensing Sub-Committee and the date of the meeting to which you will also be invited to attend.
- vii. If your application is granted, the Consent will be issued, together with a copy of the Standard Conditions applicable to street trading Consents plus any Special Conditions deemed necessary by the Council.
- viii. If the Licensing Sub-Committee refuses your application you will be notified in writing of the reasons for refusal.
- ix. There is no right of appeal in the case of refusals or against the application of conditions.

Is there an Independent Body which represents Street Traders?

There is a body which offers advice on all aspects of outside catering. This body is called MOCA (Mobile and Outside Catering Association Ltd.) and is located at:-

Centre Court
1301 Stratford Road
Hall Green
Birmingham
B28 9HH

Tel 0121 693 7000
Fax 0121 693 7100
Website www.moca.co.uk