

## Street Trading - Policy Statement

<b>Portfolio</b>	<b>Neighbourhood and Customer Services</b>
<b>Business Unit</b>	<b>Public Protection</b>
<b>Service Area</b>	<b>Licensing</b>

### Underlying Principles

1. Street Trading is regarded as an acceptable activity in Telford & Wrekin and all streets are designated as consent streets.
2. The Council is the responsible authority for granting Street Trading Consents in Telford & Wrekin and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix D).
3. The Council accepts that Telford & Wrekin comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted.
4. The Council may consult with the following agencies on an initial/first application for a Street Trading Consent (this includes a Street Trading Consent that has lapsed for a period of more than two months) or any subsequent application for the renewal of a Street Trading Consent :
  - The Highways Authority
  - The Chief Officer of Police;
  - Public Protection – Compliance Team
  - Public Protection – Environmental Health
  - Public Protection - Trading Standards
  - The Local Planning Authority
  - The Council's Community Safety, Cohesion and Environmental Enforcement Team
  - The Council's Waste and Neighbourhood Services
  - The Council's Health and Well Being Team
  - The Parish or Town Council (if any) in whose area the applicant is wishing to trade;
  - The Ward Councillors; and
  - The owners/occupiers of any land upon which the applicant wishes to trade
  - The owners/occupiers of any properties near to the proposed location of trading.
  - Any other relevant agency
5. The Crime and Disorder Act 1998 stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.
6. The Council may issue a Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature. A street trading consent cannot be granted to anyone under 17 years of age.
7. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.

8. Applications for a Street Trading Consent will be considered and determined under the Council's Scheme of Delegation by the Principal Licensing Officer, or otherwise by the Council's Licensing Committee.
9. Where more than one trader applies for Consent to trade from an approved site, the applications will be referred to the Council's Licensing Committee.
10. The holder of a street trading consent may employ people to assist with the trading activity without a further consent being required.

### **Criteria for Considering Applications for Street Trading**

When considering an initial/first application (this includes a Street Trading Consent that has lapsed for a period of more than two months) or any subsequent renewal application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.
2. The proposed siting and design of the street trading vehicle/stall plus equipment and whether or not it enhances the area within the immediate vicinity.
3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.
4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.
5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.
6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.
7. The numbers, distribution and location of existing street trading consents.
8. The likelihood of excessive noise, odour and litter being generated.
9. Whether the proposal would conflict with any other policies of the Council.
10. Obtaining of any other required permissions or consents.

### **Revocation of Street Trading Consents**

1. The Council may revoke a street trading consent. This may be for a variety of reasons such as non-compliance with conditions, non-payment or because other agencies such as the utility companies require access to the trading location.
2. Street traders do not benefit from any statutory procedural safeguards before we revoke consents. If consent is revoked, there is no statutory right of appeal against the decision other than judicial review. In the absence of statutory procedures, we will observe the rules of natural justice before we will impose a revocation and we will treat the consent on this basis as an existing privilege.

3. Following a revocation, the person or company issued with the street trading consent shall have no claim against the Council.
4. The holder of a street trading consent may at any time surrender the consent to the Council whereupon it shall cease to be valid.

### **Appeals relating to Consents**

1. No right of appeal to the criminal courts exists in respect of a refusal, revocation or variation of a street trading consent. We will exercise discretion in these matters that are subject only to the principles exercised by the courts in judicial review proceedings.

### **Fees and Charges**

1. Fees and charges will be set and reviewed annually. Such fees will be set as we reasonably consider will cover the total cost of operating the street trading scheme.
2. The Council may determine different fees for different types of consent according to the duration of the consent, the street in which it authorises trading, and the description of articles in which the holder is authorised to trade.
3. Enforcement costs associated with authorised traders are included within fees and charges.

### **Offences**

1. The adopted street trading legislation is statutory in nature. There are criminal sanctions available for street traders in breach of obligations imposed by the law.
2. The following are street trading offences:
  - Engaging in street trading in a consent street without the appropriate authorisation granted by the Council
  - Breach of any of the conditions included in a consent in relation to the time and place in which trading is permitted
  - Trading as a consent holder from a stationary van, cart, barrow or other vehicle unless permission has been granted
  - Trading as a consent holder from a portable stall unless permission has been granted to do so
  - Knowingly making a false statement in support of a licence application

### **Enforcement**

1. All traders are required to take all reasonable precautions and exercise all due diligence to avoid the commission of any offences.
2. Licensing enforcement staff will act fairly and consistently when enforcing the provisions of the street trading legislation and consent conditions. The Council's policy on enforcement is available on the Council's website.
3. A highway authority has the power to remove obstructions from the highway and so may remove stalls or trestles or any other structures used for trading which cause an unlawful obstruction.

4. Persons trading without authorisation and not subject to exemptions will be the subject of pro-active enforcement action in accordance with our policy on enforcement.
5. In general, the Public Protection Enforcement Team will take the lead role on the investigation and, where appropriate, the prosecution of unlawful street trading. Licensing Services will work with the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk areas and issues
6. In cases where action of a more formal nature is considered appropriate, the key principles of consistency, transparency and proportionality will be applied.

### **Conditions Attached to Authorisations for Street Trading**

1. The Council will normally apply standard conditions to street trading authorisations. The standard conditions listed in Appendix D are not exhaustive and other conditions may be added to individual consents where appropriate. The standard conditions relate to public safety, public nuisance and amenity of localities.

### **Other Relevant Legislation**

2. In addition to conditions attached by the Council, applicants should always ensure that they comply with the requirements of any other relevant legislation, which may influence their business.

### **Changes to Street Trading Policy**

1. We reserve the right to amend this policy and its appendices from time to time, following proper consultation where appropriate. If you have a hard copy of this document, to ensure that it is current, please contact Licensing Services at [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk) or refer to the Council's website. If you have any comments to this policy, please do not hesitate to contact the Licensing Service email [licensing@telford.gov.uk](mailto:licensing@telford.gov.uk).