

**Department for Environment and
Community Services**

Street Trading Policy and Application Guidelines 2019

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Section 1 Introduction

1.1 Policy objectives

This policy has been published to assist persons applying for Street Trading Consent in South Gloucestershire. It has been agreed by the Regulatory Committee and sets out this Council's standards for determining applications for, and enforcement of, street trading activities in the South Gloucestershire district.

South Gloucestershire has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading for the whole of its district. The Council has further designated all streets in South Gloucestershire as Consent Streets for street trading purposes. The effect of this designation is that street trading in any street in South Gloucestershire is prohibited, subject to the legal exemptions, without first obtaining a consent to trade from the Council.

South Gloucestershire Council will apply this policy to street trading activities in its district to ensure consistency of decision making. However, each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

The principles of supporting localism and community based events underpin this document and will be a considered factor when interpreting the guidelines.

1.2 Definitions of terms used in this policy

Within the terms of the South Gloucestershire Council's Street Trading Consent Policy the following definitions apply:

<i>The Council</i>	Means South Gloucestershire 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 South Gloucestershire Council.
<i>Consent</i>	Means a consent to trade on a street by South Gloucestershire Council.
<i>Consent Holder</i>	Means the person or business to whom the consent to trade has been granted by South Gloucestershire Council.
<i>Static Street Trader</i>	Means a trader granted permission by South Gloucestershire Council to trade from a specified position.

Mobile Street Trader Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.

Authorised Officer Means an Officer employed by South Gloucestershire Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

1.3 Exempted street trading 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 newsvendor.
- (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 regulation on the grounds that they are not a roundsman.

Market Charters

Thornbury and Chipping Sodbury have established rights to hold a market. If markets are held in accordance with the provisions of their charter they will be exempt from the requirement to hold a street trading consent.

Any markets organised under the auspices of the market authority for Chipping Sodbury and Thornbury in the following locations will be considered to be exempted street trading activities by virtue of the historical charters in place:-

Chipping Sodbury: Horse Street, Broad Street and High Street.

Thornbury: High Street, Rock Street (including car park), Main Shopping Centre (The Plain) and Castle Street.

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from South Gloucestershire Council.

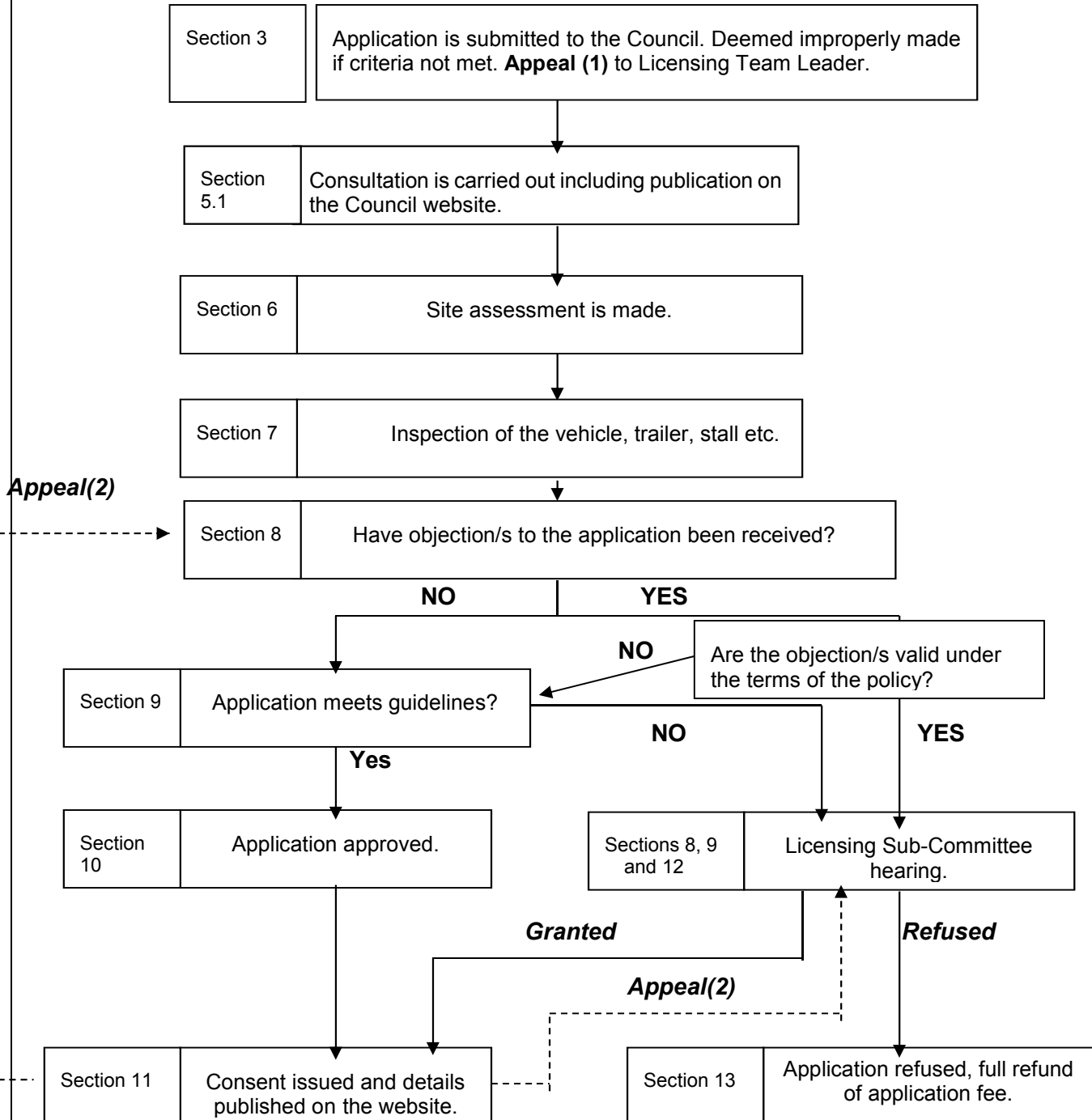
1.4 Guidelines for street trading consent applicants

Guidelines are provided for existing consent holder applicants at **Appendix One** and new consent applicants at **Appendix Two**. These are for guidance only and are not exhaustive. Reference should also be made to the current South Gloucestershire Council Street Trading Policy and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

Section 2 Procedure for determining Street Trading Consent Applications

New application process

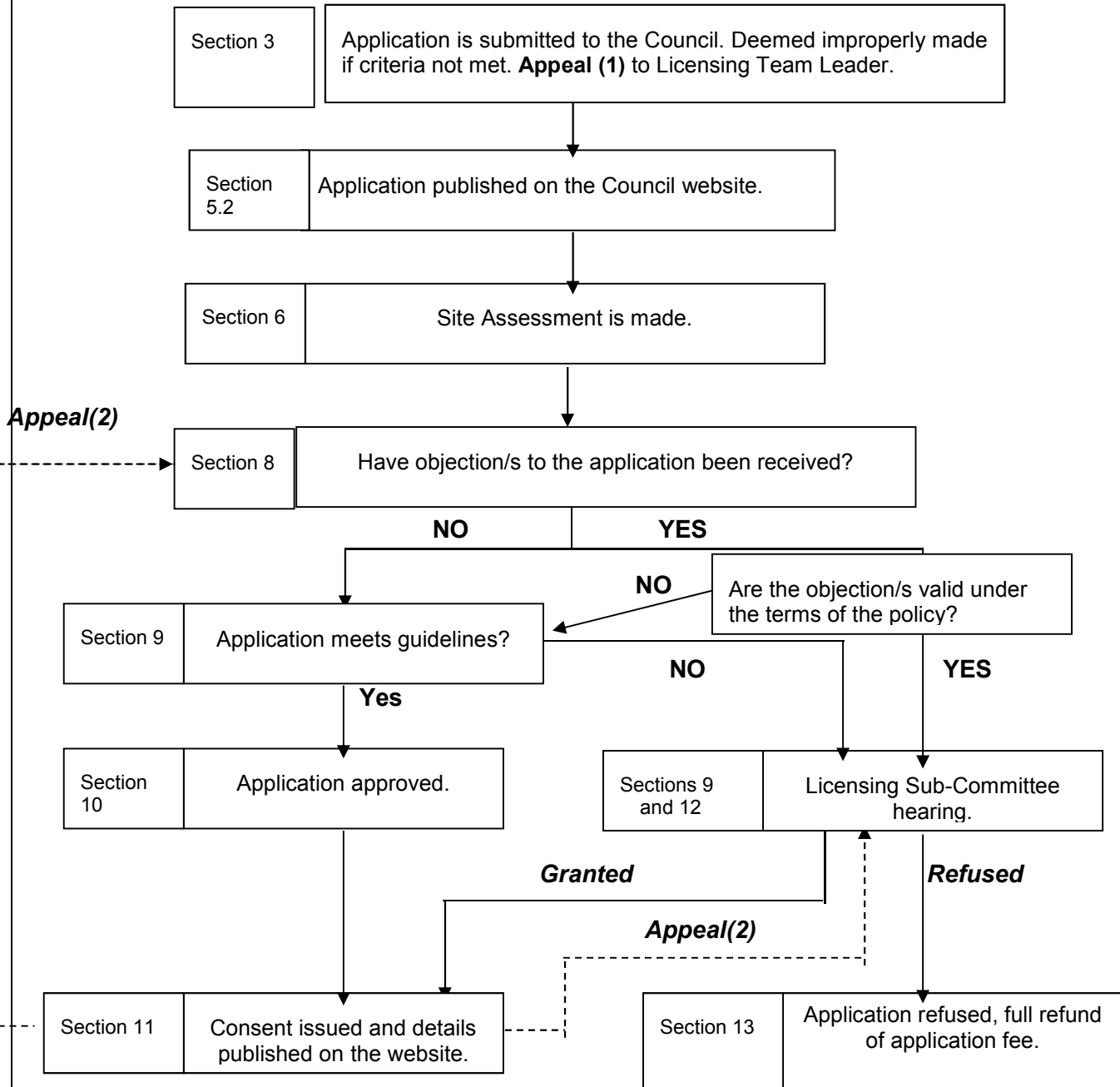
The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.
 Appeal 2 to a Licensing Sub-Committee within one calendar month.

Renewal application process

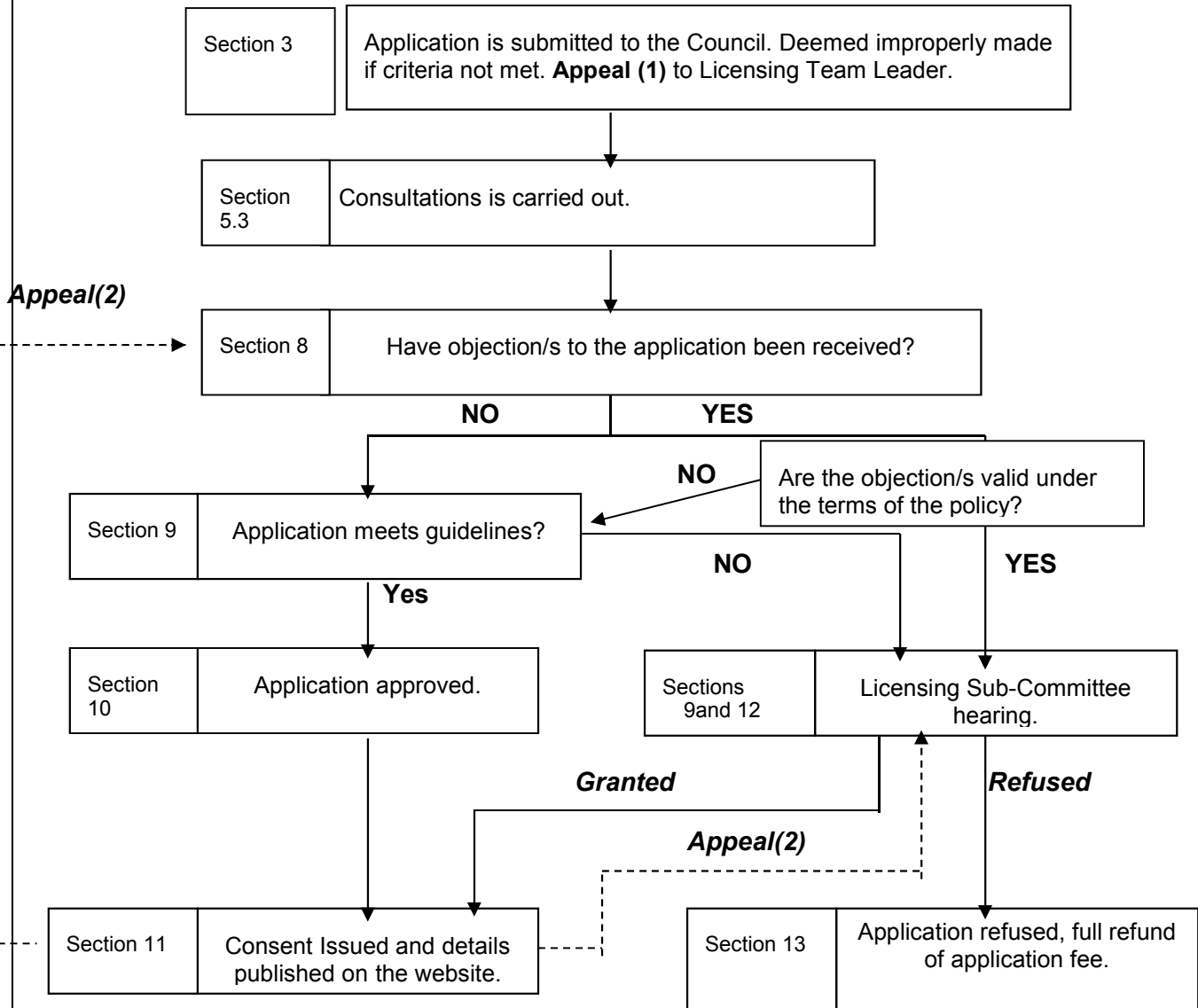
The application to renew a street trading consent and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.
 Appeal 2 to a Licensing Sub- Committee within one calendar month.

Transfer application process

The application to transfer a street trading consent 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 the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.

Appeal 2 to a Licensing Sub- Committee within one calendar month.

Section 3 Submission of the Application

An application for a Street Trading Consent must be made to South Gloucestershire Council in writing or submitted online through GOV.UK. The application forms are included in these guidelines at **Appendix 1**. To ensure that the up to date version is used, please refer to the Council's Licensing webpages. If you need any help in completing the application form please contact the Council's Licensing Service on 01454 868001 to make an appointment.

Under the provisions of the European Union Services Directive it is a requirement that public authorities make provision for certain licensing applications to be submitted online. Street Trading Consents are included within the scope of this Directive and South Gloucestershire Council has duly made provision for this as at www.southglos.gov.uk following the links to the Licensing webpages.

You will need to submit the following documents and fee for the application:

- 1) A completed and signed Street Trading Consent application form.
- 2) Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the the date of application).
- 3) Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.
- 4) The applicable fee stated in the current Licensing fees and charges. The fee will be refunded if the application is refused.
- 5) Where the proposed street trading activity is from a fixed position, one copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line. ****Please be advised that some maps printed from internet sites are subject to copyright and will not be accepted by this Licensing Authority as applications are published on the Council website****
- 6) One colour photograph of the trading unit (stall, van, barrow, cart etc.) that will be used for the street trading activity.
- 7) 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. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
- 8) Written permission from the landowner if the street trading activity is to be carried out on private land.
- 9) Block consent applications will require colour photographs of the area the consent is being applied for.
- 10) A Basic Criminal Record Check for each applicant from either the Disclosure and Barring Service (DBS) or a Subject Access Check from the local police station. On application the check will not be accepted if it is submitted later than two months from the date of issue of the disclosure certificate. This will need to be completed upon application every three years.
- 11) Block consent applications will require proof that all food traders are registered with a Local Authority.
- 12) Written permission for toilet provisions for the street trader and all staff to use.

13) For trade waste, original proof of a contract set up with a trade waste collection contractor.

Applications should be made in person to the Council at the offices of the Licensing Service at Engine Common Lane, Yate, South Gloucestershire, BS37 7PN. Applications may also be made online at GOV.UK.

NB An appointment is necessary if visiting the office for advice or assistance.

Block Consents

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all of the individual trading activities,

Applications for a Block Consent must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders, will be required in accordance with point 7.

A list of all the traders to be covered by the Block Consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the Block Consent commencement date.

Where an application is made for the grant of a Street Trading Consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:

Department for Environment and Community Services, Licensing Service, PO Box 1954, Bristol, BS37 0DD.

NB If you are visiting the offices please go to the Licensing Office, Engine Common Lane, Yate, South Gloucestershire, BS37 7PN.

Telephone 01454 868001
E-mail licensing@southglos.gov.uk

Section 4 Basic Criminal Record Check

A basic criminal record check from the Disclosure and Barring Service or Subject Access Check from the local police will be required with each new application or every 3 years for a renewal application for the applicant. A declaration form will also be completed by the applicant to confirm that they have not received any convictions and/or cautions. The applicant must also list at new and renewal and during the term of the consent, all working assistants associated with the street trading consent, as stated in the conditions.

For applicants renewing a seasonal consent only, prior to the expiry of their existing consent, a basic criminal record check must be dated no older than 3 years at the time of a renewal application being made. A declaration form will be completed by the applicant to confirm that they have not received any convictions and/or cautions.

When considering the relevance of convictions and cautions this Licensing Authority will have regard to **Appendix Four**.

In assessing whether an applicant is a “fit and proper” person, that being morally suitable to comply with regulatory requirements, this Licensing Authority will consider each case on its own merit.

This Licensing Authority will take account of unspent convictions and cautions, but only insofar as they are relevant to an application for a consent. Upon receipt of a basic disclosure certificate from an applicant, a Licensing Officer will assess whether any or all of the convictions and/or cautions have relevance to the issue of whether or not the applicant is a “fit and proper” person to hold a consent. If it is determined that the convictions and/or cautions are relevant, then a Licensing Officer will refer the application to a Licensing Sub-Committee for determination.

Section 5 Consultations on applications made

Before a Street Trading Consent is granted, renewed or transferred the Council will carry out a consultation process with relevant public bodies and other interested persons.

Applicants must affix a yellow notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation has ended.

Written observations from relevant public bodies and other interested persons will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a yellow notice of the application in the immediate vicinity of the site of the proposed event.

5.1 New applications process

In particular, this Licensing Authority will consult with the following relevant public bodies and other interested persons:

- 1) Town Councils / Parish Councils / Councillors
- 2) Local Residents(with properties within 100 metres of the proposed trading site)
- 3) Avon and Somerset Police (for Crime and Disorder issues)
- 4) Avon Fire and Rescue Service
- 5) South Gloucestershire Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the consent to be issued and type of vehicle or stall to be used).
- 6) South Gloucestershire Highways Department
- 7) Highways England
- 8) South Gloucestershire Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.)
- 9) South Gloucestershire Environmental Protection Team (Noise, odour, litter etc.).
- 10) South Gloucestershire Property Services
- 11) The land owner (If the proposed street trading site is on private land)
- 12) South Gloucestershire Streetcare Team
- 13) South Gloucestershire Public Health Team
- 14) Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation.

5.2 Renewal applications process

In particular this Licensing Authority will consult with the following relevant public bodies and other interested persons:

- 1) Town Councils / Parish Councils / Councillors
- 2) Avon and Somerset Police (for Crime and Disorder issues)
- 3) Avon Fire and Rescue Service
- 4) South Gloucestershire Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the consent to be issued and type of vehicle or stall to be used)
- 5) South Gloucestershire Highways Department
- 6) Highways England
- 7) South Gloucestershire Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.)
- 8) South Gloucestershire Environmental Protection Team (Noise, odour, litter etc.).

- 9) South Gloucestershire Property Services.
- 10) The land owner (if the proposed street trading site is on private land)
- 11) South Gloucestershire Streetcare Team
- 12) South Gloucestershire Public Health Team

Renewal applications will be placed online for public consultation.

5.3 Transfer applications process

This Licensing Authority will consult with:

- 1) Avon and Somerset Police (for Crime and Disorder issues) only

Section 6 Trading Site Assessment

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 a conflict with Traffic Orders such as waiting restrictions, or
5. 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
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The trading site interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The trading site does not allow the consent holder, staff and customers to park in a safe manner, or
9. 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 the consent holder, staff and customers.

Section 7 Inspection of the Street Trading Unit

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 type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Anti-social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Equality Act 2010
- Food Information Regulations 2014
- Food Premises (Registration) Regulations 1991
- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013, "Regulation (EC) 852/2004"
- Health Act 2006
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Licensing Act 2003

Further advice on any of the above requirements can be obtained by telephoning: 01454 868001.

Section 8 Objections to the application

If objection/s are received against the granting of a Street Trading Consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Sub-Committee for determination.

Before such a referral is made Officers will assess the objection/s on the following criteria:

- Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
- Concern of crime and disorder problems resulting from the proposed street trading activity.
- Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any objections, within the consultation period. If no compromise can be found, the application will be referred to the next available meeting of the Licensing Sub-Committee for consideration and determination of the application. 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.

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.

The appropriate South Gloucestershire Council Ward Members, Town and Parish Councils for the proposed street trading site will be informed of a referral of an application to the Licensing Sub-Committee for consideration.

Section 9 Determination of the Application

The Licensing Sub-Committee and Officers on a delegated basis will use the criteria listed below in the determination of Street Trading Consents. 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.

It is expected that relevant public bodies and/or other interested persons making representations, attend hearings in order to answer questions and substantiate their comments. Failure to do so may result in the Sub-Committee not being able to give proper weight to the representations.

9.1 Public Safety

The location of the proposed street trading activity should not present a substantial risk 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 6 on trading site assessment criteria.

9.2 Prevention of Crime and Disorder

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Avon and Somerset Constabulary will be taken into consideration under this heading.

9.3 Avoidance of Nuisance

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

9.4 Compliance with legal requirements

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

9.5 Consultees Observations

In relation to points 9.1 – 9.4 above consideration will also be given to written observations from consultees. 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.

9.6 Permitted Trading Hours

The Council will determine each application on its individual merit but generally will only permit street trading between 6.00 am and Midnight on any one day. Any trading outside of these hours will have to be approved by the Council. Street trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the requirement to hold a premises licence under the Licensing Act 2003.

The applicant will be encouraged to submit contemporaneous applications under both licensing functions which will be considered on their own merit.

Section 10 Approval of Applications

The Council's Licensing Sub-Committee, or Officers on a delegated basis may approve applications meeting the criteria contained within these guidelines.

On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also state 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 2**. Additional conditions may be attached to the standard conditions if special circumstances apply to the Consent being granted by the Council.

The conditions attached to the Consent form part of the grant to carry out street trading in South Gloucestershire. They **MUST** be complied with at all times and failure to do so may result in the consideration of enforcement action.

All Street Trading Consent Holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

Section 11 Grant of Street Trading Consents

Street Trading Consents will be granted for a maximum period of 12 months. Street Trading Consents can be renewed on or shortly before the expiry date stated on the Consent.

In all cases when a Consent 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 stated in these guidelines.

Fees for all Street Trading Consents must be paid in full on submission of a complete application.

Payment can be made in person or over the telephone by credit or debit card (please note American Express cannot be accepted) or in the form of a cheque. ***The current fees and charges can be seen at Appendix Six.***

Please note, if a cheque is dishonoured by the bank, this will result in the revocation of the Street Trading Consent granted by the Council unless payment of the outstanding fee is made by credit or debit card on the same working day of notification from this Licensing Authority.

Street Trading Consents and trading unit identification plates will only be issued at the Licensing Service office, currently at Engine Common Lane, Yate, BS37 7PN. The applicant or a person representing the applicant (with written consent) must attend in person to collect documentation and/or plates. This also applies for replacement documentation or plates.

The Licensing Service office is open to members of the public between the hours of 8.45am to 5.00pm Monday to Thursday, and 8.45am to 4.30pm on Friday. During these times an appointment system is in place, please e-mail (licensing@southglos.gov.uk) or phone (01454 868001) in advance to book an appointment. This will allow service staff to prepare the documentation and/or plates and avoid delays in providing the required service.

Section 12 Consideration of applications by the Licensing Sub-Committee

The Council's Licensing Sub-Committee is established to consider applications, hear objections and appeals in relation to licensing matters. The Sub-Committee consists of three elected Members of South Gloucestershire Council who have received specific training in licensing issues. The Sub-Committee is supported by a Clerk and a Solicitor and meets on a regular basis, at least monthly. Licensing Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Licensing Sub-Committee is to: -

1. Determine applications to which objections, as defined in section 7 above, have been made, and
2. Determine un-opposed referred applications that do not meet the criteria contained within these guidelines, and
3. Hear appeals from applicants against the imposition of a condition on a Street Trading Consent by an Officer on a delegated basis; and
4. Hear appeals against the revocation of a Street Trading Consent by the Council.

An applicant wishing to make an appeal against conditions attached to a Street Trading Consent must do so in writing within 21 days of the grant of the Consent. The appeal should set out:

1. Details of the condition or conditions being appealed against, and
2. The reasons for making the appeal.

In the case of an appeal against the revocation of a Street Trading Consent by the Council, the appeal must be made within 21 days of receiving notification of such revocation, and set out the reasons for making the appeal.

All appeals should be sent to:

E-mail: DemocraticServices@southglos.gov.uk

By post: Legal and Democratic Services, South Gloucestershire Council, Department for Chief Executive and Corporate Services, PO Box 1953, Bristol, BS37 0DB

On receipt of a written objection, or an unresolved application that does not meet the criteria in these guidelines, or an appeal against an Officer decision on conditions attached to a Street Trading Consent, arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing Sub-Committee.

Once arrangements have been made for the application to be heard by the Licensing Sub-Committee, persons making the objection, appeal 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.

The person making a reference of an application or an appeal to the Licensing Sub-Committee will 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.

In determining an application, the Licensing Sub-Committee will consider presentations from the person making the objection, reference or appeal, and the Council's Licensing Officer. All parties

may use witnesses and/or supporting documentation may be submitted to the Licensing Sub-Committee for consideration.

The Licensing Sub-Committee will consider all the evidence presented to it during the hearing and Members may ask questions of Officers and persons making an objection, reference or appeal. 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 hearing at which the application was considered.

Where objections have been raised to the granting of a Street Trading Consent the Licensing Sub-Committee will consider the objection/s made. Persons who have raised objection/s 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 circulated to members of the Licensing Sub-Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will though be given a broad indication of the proximity of the objector's property in relation to the proposed street trading site.

If the objection is from a South Gloucestershire Council Ward Member, or a Parish or Town Council the full details of the letter of objection will be sent to the applicant.

The Licensing Sub-Committee will always strive to ensure when it is considering an application that all persons get a proper and fair hearing through:

1. Considering each application on its merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Dealing with the appeal 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 appeal, a reference 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 appeal or objection.

Section 13 Refusal of Applications

Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application. The decision of the Licensing Sub-Committee is final.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Licensing Sub-Committee may though seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be felt necessary.

Where the fee has been paid with submission of a complete application, the fee will be refunded to the applicant in the case of an application being refused.

Section 14 General Information on Street Trading Consents

14.1 Trading Unit Identification Plates

All trading units, 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 Street Trading Consent. 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.

The trading unit identification plate should be returned to the Council if the Street Trading Consent Holder ceases to trade and surrenders his/her Consent.

Block Consent - The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all trading units under the block consent shall be visible to the public.

14.2 Persons under the age of 17 years

The Council will refuse to grant a Street Trading Consent, where the consent to be granted would be in contravention of the Children and Young Persons Act 1933.

14.3 Access by Council and Police Officers

Street Trading Consent Holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. A Council Officer will carry with them and produce an authorisation identification card issued by South Gloucestershire Council.

If the Consent Holder has any doubts about a person claiming to work for South Gloucestershire Council shall ask to see the authorisation identification card. If you remain uncertain please contact the Council on 01454 868001 and ask to speak to the Licensing Team Leader.

14.4 Street Trading Consents

The conditions attached to all Street Trading Consents state that a Consent Holder cannot underlet or sublet a Street Trading Consent.

Should a Consent Holder wish to transfer a current Street Trading Consent into another person's name, then a transfer application form will need to be completed with both parties signing it. The proposed new Consent Holder is also required to complete a Street Trading Consent new application form with the current hours in order to provide relevant information required.

Once the required transfer and new application forms, along with the relevant fee, are received by this Licensing Authority, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14 day consultation with the Police for the applications.

Please note, should the Police object to the transfer and new applications then the trader will be asked to cease trading until such time the application has been determined by a Licensing Sub-Committee.

In addition, should the new Consent Holder wish to operate under different hours to those currently stated on the Street Trading Consent, then a further new application will be required. Please note this would include a full consultation with the Responsible Authorities and Other Persons.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or trading hours will be permitted through the transfer process.

Should a Consent Holder wish to vary their trading hours, by extending them in some way, during the course of their existing consent period, then they will have to apply using the 'new' application form clearly specifying that the application is for a variation of trading hours only.

Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

An application for extended hours will require a new application fee, as stated in the current fees and charges.

14.5 Change of Trading Unit process

Should a Consent Holder wish to change their trading unit (stall, van, cart, barrow etc.) during the period of their Street Trading Consent they must submit one colour photograph of the trading unit that will be used for the street trading activity.

This Licensing Authority will inform South Gloucestershire Council Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.) of the change of trading unit.

14.6 Policy Review

The Council will keep this policy under constant review and make such revisions to it as it considers necessary and proportionate. **The Council will formally review the policy statement every three years.** Where revisions are made the Council shall publish a statement of such revisions and a revised Street Trading Policy and Application Guidelines on the Council website.

Section 15 Enforcement of Street Trading

South Gloucestershire Council will actively enforce the provisions of the Street Trading Policy within its district in a fair and consistent manner. In doing so all enforcement activities will comply with the Council Regulatory Enforcement Policy, and be in line with the Regulators Code as issued by the Department for Energy and Industrial Strategy (BEIS)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

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

- **Proportionate:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly; and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

Complaints against the Service

South Gloucestershire Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the service delivery by the Licensing Service in relation to street trading please contact the Council on 01454 868001 and ask to speak to the Licensing Team Leader.

If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Corporate Complaints procedure.

Data Protection

The Licensing Service will adhere to the principles set out in the Data Protection Act 2018 and to the current Council Data Protection and Retention Policy, issued 2018, as part of administrative and enforcement processes for street trading. This will ensure the security of all personal details of applicants, land owners and objectors where applications are determined by a Licensing Sub-Committee.

Appendix One



STREET TRADING CONSENT GUIDANCE NOTES FOR EXISTING CONSENT HOLDERS

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1. INTRODUCTION

These notes are for guidance only and are not exhaustive, reference should also be made to the current South Gloucestershire Council Street Trading Policy and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

2. CORRESPONDENCE

All written correspondence should be addressed to the Department for Environment and Community Services, PO Box 1954, Licensing Service, Bristol, BS37 0DD.

3. TELEPHONE ENQUIRIES

Telephone enquiries should be made by telephoning the Council Corporate Contact Centre on 01454 868001 (office hours, 8.45am to 5pm Monday to Thursday, and 8.45am to 4.30pm on Friday).

4. PERSONAL VISITS

The Licensing office is open for pre-arranged appointments during office hours Monday to Friday. To arrange an appointment please call 01454 868001.

The address for personal visits is South Gloucestershire Council Licensing Service, Engine Common Lane, Yate, South Gloucestershire, BS37 7PN.

Please note that you will not be seen without a pre-arranged appointment.

5. PLANNING PERMISSION

Applicants should note that planning permission may be required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and you could be subject to planning enforcement action if no planning permission is granted.

You can contact the Planning office direct via e-mail at planningapplications@southglos.gov.uk or by calling 01454 868004.

Please be aware that there may be a fee for this service which you will need to confirm with the Planning office.

Should you already hold planning permission for the required street trading location, this does not necessarily mean that a Street Trading Consent is not required.

Each case will be considered on its own merit with a copy of the full planning decision required for the Licensing Service to make a decision.

For further clarification please contact a staff member of the Licensing Service.

6. CURRENT CONSENT

It is important that when holding a consent that you adhere to all the current Street Trading Consent conditions, failure to do so may lead to revocation of the Street Trading Consent.

It is therefore important that you inform the Licensing Service of any changes that are covered within the Street Trading Consent conditions.

A copy of all Street Trading Consent conditions can be found within the current Street Trading Policy.

7. TRADE WASTE

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled correctly. As you will be operating a business unit you have a legal duty to ensure that you store the waste securely pending collection and only give it to somebody who is authorised to receive it.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept showing how the waste has been disposed of, which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at South Gloucestershire Council Sort It Centres. Should you be found to be depositing your trade waste in this manner you will render yourself liable to potential prosecution.

The Streetcare Department, who are consulted with for all Street Trading Consent applications, have stated that if they are not satisfied that suitable trade waste arrangements are in place then they will object to an application and recommend refusal.

8. FEES

Fees for all Street Trading Consents must be paid in full on submission of a complete application.

Payment can be made in person or over the telephone by credit or debit card (please note American Express cannot be accepted) or in the form of a cheque. ***The current fees and charges can be seen at Appendix Six.***

Please note, if a cheque is dishonoured by the bank, this will result in the revocation of the Street Trading Consent granted by the Council unless payment of the outstanding fee is made by credit or debit card on the same working day of notification from this Licensing Authority.

9. HOW TO APPLY FOR A RENEWAL APPLICATION

To apply for a renewal application for a Street Trading Consent you will need to submit all of the following documentation at least 8 weeks before the expiry of your current Street Trading Consent:

- A completed application form for the same hours as you currently trade
- One copy of a map (subject to copyright) showing the trading site

- One colour photograph of the trading unit that will be used
- An original copy of an up to date Third Party and Public Liability Insurance for the trading unit
- Written permission for toilet provisions for all trading unit staff to use
- Written permission from the landowner (if applicable)
- Proof of address (original bank statement or utility bill)
- Proof of right to work in the UK, if previously there were limits on your stay in the UK (for documents required please see **Appendix A**)
- For trade waste, original proof of a contract set up with a registered trade waste collection contractor
- Basic criminal record check or Subject access check certificate
- It is a requirement that applicants must affix a (yellow) notice of the application in the immediate vicinity of the trading site upon submission of the renewal application. This must remain in place until the application is determined. (Blank yellow notices can be requested from the Licensing Service)

10. **CONSULTATION PROCESS**

Before a Street Trading Consent is granted, the Council will carry out a 21 day public consultation. The Licensing Service will consult with the following Responsible Authorities and other persons:

1. Town and Parish Councils
2. South Gloucestershire Councillors
3. Avon and Somerset Police (for Crime and Disorder issues)
4. Avon Fire and Rescue Service
5. South Gloucestershire Planning Department
6. South Gloucestershire Highways Department
7. Highways England
8. South Gloucestershire Health, Safety and Food Team
9. South Gloucestershire Environmental Protection Team
10. South Gloucestershire Property Services
11. The land owner (if the proposed trading site is on private land)
12. South Gloucestershire Streetcare Department
13. South Gloucestershire Public Health Team

One or a number of the consultees may approach an applicant and ask them to provide further information in order to respond to the consultation.

Objections

Should a valid objection be received against an application, then the application will be referred to the Council's Licensing Sub-Committee for determination.

The Licensing Sub-Committee will listen to all evidence and consider each case on its own merit before making a decision to grant or refuse an application.

Further details on this procedure and the appeal procedures can be found in the current Street Trading Policy.

11. TRANSFER OF STREET TRADING CONSENT

Should a Consent Holder wish to transfer a current Street Trading Consent into another person's name, then a transfer application form will need to be completed with both parties signing it. The proposed new Consent Holder is also required to complete a Street Trading Consent new application form with the current hours in order to provide relevant information required.

Once the required transfer and new application forms, along with the relevant fee, are received by this Licensing Authority, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14 day consultation with the Police for the applications.

Please note, should the Police object to the transfer and new applications then the trader will be asked to cease trading until such time the application has been determined by a Licensing Sub-Committee.

In addition, should the new Consent Holder wish to operate under different hours to those currently stated on the Street Trading Consent, then a further new application will be required. Please note this would include a full consultation with the Responsible Authorities and Other Persons.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or trading hours will be permitted through the transfer process.

12. HOW TO INCREASE TRADING HOURS

Should a Consent Holder wish to vary their trading hours, by extending them in some way, during the course of their existing consent period, then they will have to apply using the 'new' application form clearly specifying that the application is for a variation of trading hours only.

Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

An application for extended hours will require a new application fee, as stated in the current fees and charges.

It is advised that this is not completed with a renewal, this is because once an objection is received the application will be referred to a Licensing Sub-Committee where all hours may be considered.

When applying for additional hours, the Council will determine each application on its own individual merit. Generally street trading will only be permitted between 06.00 hours and midnight on any one day. Any trading outside of these hours will have to be approved by a Licensing Sub-Committee.

Please note that should an application be received for a Street Trading Consent to sell hot food and/or drinks between 23.00 hours and 05.00 hours the applicant will also be required to apply for a Premises Licence or submit a Temporary Event Notice under the Licensing Act 2003.

13. SURRENDERING MY CONSENT

Should you decide that you no longer wish to hold a Street Trading Consent, you will need to provide written confirmation of this fact detailing your last trading day.

Once you have ceased trading, you will be required to return your Street Trading Consent plate and paper consent to this Licensing Authority within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

14. REFUNDS

Fees for all Street Trading Consents must be paid in full on submission of a complete application. Refunds will only be issued if an application is refused by the Licensing Sub-Committee, please see the Licensing fees and charges at **Appendix Six**.

APPENDIX A

Proof of Eligibility to Work in the UK

In accordance with the Immigration Act 2016, effective from 12th May 2016, you are required to provide proof of the Right to Work in the UK from the two lists below. These detail the documents which provide evidence of this right.

List 1 - No immigration restrictions on right to work in the UK – Original documents will be required to be seen.

If provided then the Street Trading Consent to be issued until expiry date.

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List 2 - Immigration restrictions on right to work in the UK – Original documents will be required to be seen.

Due to Immigration restrictions on the right to work, if provided the Street Trading Consent will only be issued up to the expiry date of the permission to work in the UK. Additional immigration status checks required to extend the Street Trading Consent.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with Verification** from the Home Office Evidence and Enquiry Unit. The consent may be granted for six months from the date of the Certificate of Application.
- A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The consent may be issued for six months from the date of the licence decision

The following countries are part of the EEA:

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Iceland; Ireland; Italy; Liechtenstein; Luxembourg; Netherlands; Norway; Portugal; Spain; Sweden; United Kingdom; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia; Bulgaria and Romania.

Appendix Two



STREET TRADING CONSENT GUIDANCE NOTES FOR NEW APPLICANTS

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1 INTRODUCTION

These notes are for guidance only and are not exhaustive; reference should also be made to the current South Gloucestershire Council Street Trading Policy and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

2 CORRESPONDENCE

All written correspondence should be addressed to the Department for Environment and Community Services, PO Box 1954, Licensing Service, Bristol, BS37 0DD.

3 TELEPHONE ENQUIRIES

Telephone enquiries should be made by telephoning the Council Corporate Contact Centre on 01454 868001 (office hours, 8.45am to 5pm Monday to Thursday, and 8.45am to 4.30pm on Friday).

4 PERSONAL VISITS

The Licensing office is open for pre-arranged appointments during office hours Monday to Friday. To arrange an appointment please call 01454 868001.

The address for personal visits is South Gloucestershire Council Licensing Service, Engine Common Lane, Yate, South Gloucestershire, BS37 7PN.

Please note that you will not be seen without a pre-arranged appointment.

5 STREET TRADING

If you trade in the street you may require a Street Trading Consent.

Street Trading is defined as the selling or offering for sale of any article in the street. This includes food such as ice cream and kebabs.

A street is defined as “any road, footway, beach or other area to which the public have access without payment” therefore this may include both public and private land.

6 IS A CONSENT REQUIRED?

Within the Street Trading legislation there is a list of exempted street trading activities, this list can be seen at section 1.3 of the current Street Trading Policy.

In addition to this list, South Gloucestershire Council also receives regular questions about one-off community based events, car boot sales and farmers markets..

The following aims to clarify the position on whether a Street Trading Consent is required.

One-Off and Community Based Events

Where the events are of a commercial nature then the trader/s will require a Street Trading Consent.

Car Boot Sales

Where the sales are of a commercial nature then the trader/s will require a Street Trading Consent.

Farmers Markets

Where the markets are of a commercial nature then the trader/s will require a Street Trading Consent.

Paying for access

Any event which can restrict access to those persons who pay an entry fee, please refer to Schedule 4 part 1(a) of the Act, would be legally exempt from any street trading requirements and therefore would not require a Street Trading Consent.

7 WHAT TYPE OF CONSENT

There are three different types of consents that can be applied for, they are Static Consent, Mobile Consent and Block Consent.

Further details of each are provided below:-

Static Consent

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast food van which trades every day from the same lay-by.

Please note, even though a static consent allows you to trade from a specific location, the unit must be moved from the trading site outside of permitted trading hours.

A copy of all Street Trading Consent conditions can be found in the current Street Trading Policy.

Mobile Consent

Mobile consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is a requirement that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

A copy of all Street Trading Consent conditions can be found in the current Street Trading Policy.

Block Consent

Block consents are applied for by organisers of street trading activities involving more than one trader.

With regards to block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up to date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

A copy of all Street Trading Consent conditions can be found in the current Street Trading Policy.

8 PLANNING PERMISSION

Applicants should note that planning permission may be required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and you could be subject to planning enforcement action if no planning permission is granted.

You can contact the Planning office direct via e-mail at planningapplications@southglos.gov.uk or by calling 01454 868004.

Please be aware that there may be a fee for this service which you will need to confirm with the Planning office.

Should you already hold planning permission for the required street trading location, this does not necessarily mean that a Street Trading Consent is not required.

Each case will be considered on its own merit with a copy of the full planning decision required for the Licensing Service to make a decision.

For further clarification please contact a staff member of the Licensing Service.

9 FEES

Fees for all Street Trading Consents must be paid in full on submission of a complete application.

Payment can be made in person or over the telephone by credit or debit card (please note American Express cannot be accepted) or in the form of a cheque. ***The current fees and charges can be seen at Appendix Six.***

Please note, if a cheque is dishonoured by the bank, this will result in the revocation of the Street Trading Consent granted by the Council unless payment of the outstanding fee is made by credit or debit card on the same working day of notification from this Licensing Authority.

10 CHOOSING A LOCATION TO TRADE

When choosing a prospective site/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?

- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

11 HOURS

The Council will determine each application on its own individual merit. Generally street trading will only be permitted between 06.00 hours and midnight on any one day. Any trading outside of these hours will have to be approved by a Licensing Sub-Committee.

Please note that should an application be received for a Street Trading Consent to sell hot food and/or drinks between 23.00 hours and 05.00 hours the applicant will also be required to apply for a Premises Licence or submit a Temporary Event Notice under the Licensing Act 2003.

12 HOW TO APPLY FOR A NEW APPLICATION

To apply for a street trading consent, you will need to provide the following documentation:

- A completed application form
- One copy of a map (subject to copyright) showing the proposed trading site
- One colour photograph of the proposed trading unit to be used
- An original copy of Third Party and Public Liability Insurance for the proposed trading unit (at the point of application an original quote will be accepted but no consent will be granted without an original certificate of insurance being seen)
- Written permission for toilet provisions for all trading unit staff to use
- Written permission from the landowner (if applicable)
- Proof of address (original bank statement or utility bill)
- Proof of right to work in the UK (for documents required please see **Appendix A**)
- For trade waste, original proof of a contract set up with a registered trade waste collection contractor
- It is also a requirement that applicants must affix a (yellow) notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application is determined. (Blank yellow notices can be requested from the Licensing Service)

13 CONSULTATION PROCESS

Before a Street Trading Consent is granted, the Council will carry out a 21 day public consultation. The Licensing Service will consult with the following Responsible Authorities and other persons:

1. Town and Parish Councils
2. South Gloucestershire Councillors
3. Local residents and occupiers of properties within a 100 metre radius of the proposed trading site
4. Avon and Somerset Police (for Crime and Disorder issues)
5. Avon Fire and Rescue Service
6. South Gloucestershire Planning Department
7. South Gloucestershire Highways Department
8. Highways England
9. South Gloucestershire Health, Safety and Food Team

10. South Gloucestershire Environmental Protection Team
11. South Gloucestershire Property Services
12. The land owner (if the proposed street trading site is on private land)
13. South Gloucestershire Streetcare Department
14. South Gloucestershire Public Health Team
15. Home Office – Interventions & Sanctions Directorate

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any objections within the public consultation period. If no compromise can be found between all parties, the application will be referred to and determined by a Licensing Sub-Committee.

Objections

Should a valid objection be received against an application then the application will be referred to the Council's Licensing Sub-Committee for determination.

The Licensing Sub-Committee will listen to all evidence and consider each case on its own merit before making a decision to grant or refuse an application.

Further details on this and the appeals procedure can be found in the current Street Trading Policy.

14 TRADE WASTE

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled correctly. As you will be operating a business unit you have a legal duty to ensure that you store the waste securely pending collection and only give it to somebody who is authorised to receive it.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept showing how the waste has been disposed of, which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at South Gloucestershire Council Sort It Centres. Should you be found to be depositing your trade waste in this manner you will render yourself liable to potential prosecution.

The Streetcare Department, who are consulted with for all Street Trading Consent applications, have stated that if they are not satisfied that suitable trade waste arrangements are in place then they will object to an application and recommend refusal.

15 REFUNDS

Fees for all Street Trading Consents must be paid in full on submission of a complete application. Refunds will only be issued if an application is refused by the Licensing Sub-Committee, please see the Licensing fees and charges at **Appendix Six**.

APPENDIX A

Proof of Eligibility to Work in the UK

In accordance with the Immigration Act 2016, effective from 12th May 2016, you are required to provide proof of the Right to Work in the UK from the two lists below. These detail the documents which provide evidence of this right.

List 1 - No immigration restrictions on right to work in the UK – Original documents will be required to be seen.

If provided then the Street Trading Consent to be issued until expiry date.

- A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List 2 - Immigration restrictions on right to work in the UK – Original documents will be required to be seen.

Due to Immigration restrictions on the right to work, if provided the Street Trading Consent will only be issued up to the expiry date of the permission to work in the UK. Additional immigration status checks required to extend the Street Trading Consent.

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question
- A **current** Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than 6 months old together with Verification** from the Home Office Evidence and Enquiry Unit. The consent may be granted for six months from the date of the Certificate of Application.
- A **Verification** issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The consent may be issued for six months from the date of the licence decision

The following countries are part of the EEA:

Austria; Belgium; Denmark; Finland; France; Germany; Greece; Iceland; Ireland; Italy; Liechtenstein; Luxembourg; Netherlands; Norway; Portugal; Spain; Sweden; United Kingdom; Cyprus; Czech Republic; Estonia; Hungary; Latvia; Lithuania; Malta; Poland; Slovakia; Slovenia; Bulgaria and Romania.

Appendix Three

Application Forms

- Grant of a Street Trading Consent
- Renewal of a Street Trading Consent
- Grant of a Block Street Trading Consent
- Renewal of a Block Street Trading Consent
- Transfer of a Street Trading Consent



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT OF A STREET TRADING CONSENT

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I / We: _____

Date of Birth(s): _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

HEREBY APPLY FOR THE GRANT of a Street Trading Consent 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							

I / We wish to apply for the following type: **Static Consent** **Mobile Consent**

If the Consent is date specific please provide the date or dates required:

The products that will be included under the Street Trading Consent are: _____

Do you have planning permission for the above trading site? Yes No

If yes, please give details: _____

Please provide address of toilet facilities for persons working on trading unit*:

*** Please note – signed letter of confirmation from the toilet owner is also required**

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: _____

Do you have permission to place advertising on the Public Highway?

Yes No

If yes please provide details: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner(s)*:

*** Please note – signed letter of confirmation is also required from the landowner(s)**

Please note that all trading units must be removed from the trading site outside of trading hours. Therefore, please provide the address / location of where the trading unit will be kept outside of trading hours:

Please provide details of where the litter and trade waste arising from the business will be disposed of:

Please provide the name, age and address of all staff employed at the unit (please note it is a requirement to update this Licensing Authority of new persons working on the trading unit):

(continue on separate sheet of paper if required)

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

Have you carried out a basic criminal record check or subject access check within the last three months?

If yes, please give details: _____

Do you have any Court proceedings pending? _____

If yes, please give details: _____

Do you have any unspent Criminal convictions or cautions? _____

If yes, please give details: _____

This Authority 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 the Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Failure to report any changes to the details given in this application form may result in the revocation of the Consent.

Where an e-mail address has been provided this Licensing Authority may send Consent renewal reminders through this communication method, it is therefore important that if you change your e-mail address that you must inform this Licensing Authority at the earliest opportunity

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

I / We declare that I am / we are legally entitled to work in the United Kingdom.

I / We declare that I / we will read and comply with all conditions in force on the consent if granted.

I / We declare that I am / we are aware that this completed form will be distributed to all consultees, including local residents.

Signature of applicant(s): _____

Date: _____

For office use only

Checklist:

- Fully completed and signed application form
- Original proof of address received
(Bank Statement, Utility Bill)
- Proof of right to work in the UK
(Passport etc.)
- Fee received
- 1 x copy of location map (subject to copyright)
(at least 1:1250 scale)
- One colour photograph of the trading unit
- An original copy of Third Party and Public Liability Insurance
(on application quote accepted)
- Signed and dated letter confirming toilet provisions
- Signed and dated letter confirming land owner/s permission (if applicable)
- Waste contract
- Basic criminal record check / Subject access check certificate

Officer: _____

Date Received: _____



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE RENEWAL OF A STREET TRADING CONSENT

Please note that all renewal applications must be received at least 8 weeks prior to the expiry of the current Street Trading Consent in order to allow time for a full consultation to take place.

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I / We: _____

Date of Birth(s): _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

HEREBY APPLY FOR THE RENEWAL of a Street Trading Consent 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							

I / We wish to apply for the following type: **Static Consent** **Mobile Consent**

If the Consent is date specific please provide the date or dates required:

The products that will be included under the Street Trading Consent are:

Have you received planning permission for the above trading site in the last year?

Yes No Date of grant: _____

Please provide address of toilet facilities for persons working on site:

*** Please note – an up to date signed letter of confirmation is required from the toilet owner**

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: _____

Do you have permission to place advertising on the Public Highway?

Yes No

If yes please provide details: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner: _____

*** Please note – An up to date signed letter of confirmation is required from the landowner**

Please note that all trading units must be removed from the trading site outside of trading hours. Therefore, please provide the address / location of where the trading unit will be kept outside of trading hours:

Please provide details of where the litter and trade waste arising from the business will be disposed of:

Please provide the name, age and address of all staff employed at the unit (please note it is a requirement to update us of new persons working on the unit):

(continue on separate sheet of paper if required)

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

Have you carried out a basic criminal record check or subject access check within the last three months?

If yes, please give details: _____

Do you have any Court proceedings pending? _____

If yes, please give details: _____

Do you have any unspent Criminal convictions or cautions? _____

If yes, please give details: _____

This Authority 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 the Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Failure to report any changes to the details given in this application form may result in the revocation of the Consent.

Where an e-mail address has been provided this Licensing Authority may send Consent renewal reminders through this communication method, it is therefore important that if you change your e-mail address that you must inform this Licensing Authority at the earliest opportunity.

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

I / We declare that I am / we are legally entitled to work in the United Kingdom.

I / We declare that I / we will read and comply with all conditions in force on the consent if granted.

I / We acknowledge that should the application not have been submitted with eight weeks notice then I / we may be required to cease trading until the application is determined.

I / We declare that I am / we are aware that this completed form will be distributed to all consultees, including local residents.

Signature of applicant(s): _____

Date: _____

For office use only

Checklist: (ensure 8 week's notice given)

- Fully completed and signed application form
- Original proof of address received
(Bank Statement, Utility Bill)
- Proof of right to work in the UK
(Passport etc.)
- Fee Received
- 1 copy of location map (subject to copyright)
(at least 1:1250 scale)
- One colour photograph of the trading unit
- An original copy of Third Party and Public Liability Insurance
- Signed and dated letter confirming toilet provisions
- Signed and dated letter confirming land owner/s permission (if applicable)
- Waste contract
- Basic criminal record check / Subject access check certificate

Officer: _____

Date Received: _____



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE GRANT OF A BLOCK STREET TRADING CONSENT

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I / We: _____

Date of Birth(s): _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

HEREBY APPLY FOR THE GRANT of a Block Street Trading Consent 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							

If the Consent is date specific please provide the date or dates required:

The products that will be included under the block consent are:

Do you have planning permission for the above trading site? Yes No

If yes, please give details: _____

Please provide address of toilet facilities for all persons covered under the block consent*:

*** Please note – signed letter of confirmation is required from the toilet owner**

Please provide the total number of traders that you intend to operate under the block consent at any one time:

If requested would you be able to provide an additional map of the location highlighting where the trading units are to be situated?

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

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

Do you have permission to place advertising on the Public Highway?

Yes No

If yes please provide details: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner*: _____

*** Please note – signed letter of confirmation is required from the landowner**

Please note that all the trading units must be removed from the location outside of trading hours.
Do you acknowledge this?

Please provide details of where the litter and trade waste arising from the business will be disposed of:

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

Have you carried out a basic criminal record check or subject access check within the last three months?

If yes, please give details _____

Do you have any Court proceedings pending? _____

If yes, please give details _____

Do you have any unspent Criminal convictions or cautions? _____

If yes, please give details _____

This Authority 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 the Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Failure to report any changes to the details given in this application form may result in the revocation of the Consent.

Where an e-mail address has been provided this Licensing Authority may send Consent renewal reminders through this communication method, it is therefore important that if you change your e-mail address that you must inform this Licensing Authority at the earliest opportunity.

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

I / We declare that I am / we are legally entitled to work in the United Kingdom.

I / We declare that I / we will read and comply with all conditions in force on the consent if granted.

I / We declare that a current list of all traders will be available for inspection at all times.

I / We declare that I am / we are aware that this completed form will be distributed to all consultees, including local residents.

Signature of applicant(s): _____

Date: _____

For office use only

Checklist:

- Fully completed and signed application form
- Original proof of address received
(Bank Statement, Utility Bill)
- Proof of right to work in the UK
(Passport etc.)
- Fee received
- 1 copy of location map (subject to copyright)
(at least 1:1250 scale)
- One colour photograph of the proposed trading location
- An original copy of Third Party and Public Liability Insurance covering all traders
(on application quote accepted)
- Copies of proof that all food traders are registered with a Local Authority
- Signed and dated letter confirming toilet provisions
- Signed and dated letter confirming land owner/s permission if applicable
- Waste contract
- Basic criminal record check / Subject access check certificate

Officer: _____

Date Received: _____



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR THE RENEWAL OF A BLOCK STREET TRADING CONSENT

Please note that all renewal applications must be received at least 8 weeks prior to the expiry of the current Street Trading Consent in order to allow time for a full consultation to take place.

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I / We: _____

Date of Birth(s): _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

HEREBY APPLY FOR THE RENEWAL of a Block Street Trading Consent 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							

If the Consent is date specific please provide the date or dates required:

The products that will be included under the block consent are:

Have you received planning permission for the above trading site in the last year?

Yes No Date of grant: _____

Please provide address of toilet facilities for all persons covered under the block consent*:

*** Please note – an up to date signed letter of confirmation is required from the toilet owner**

Please provide the total number of traders that you intend to operate under the block consent at any one time:

If requested would you be able to provide an additional map of the location highlighting where the trading units are to be situated?

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

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

Do you have permission to place advertising on the Public Highway?

Yes No

If yes please provide details: _____

Will you be trading on private land? Yes No

If yes, name and address of landowner*: _____

*** Please note – an up to date signed letter of confirmation is required from the landowner.**

Please note that all the trading units must be removed from the location outside of trading hours. Do you acknowledge this?

Please provide details of where the litter and trade waste arising from the business will be disposed of:

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

Have you carried out a basic criminal record check or subject access check within the last three months?

If yes, please give details: _____

Do you have any Court proceedings pending? _____

If yes, please give details: _____

Do you have any unspent Criminal convictions or cautions? _____

If yes, please give details: _____

This Authority 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 the Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Failure to report any changes to the details given in this application form may result in the revocation of the Consent.

Where an e-mail address has been provided this Licensing Authority may send Consent renewal reminders through this communication method, it is therefore important that if you change your e-mail address that you must inform this Licensing Authority at the earliest opportunity.

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

I / We declare that I am / we are legally entitled to work in the United Kingdom.

I / We declare that I / we will read and comply with all conditions in force on the consent if granted.

I / We declare that a current list of all traders will be available for inspection at all times.

I / We acknowledge that should the application not have been submitted with eight weeks notice then I / we may be required to cease trading until the application is determined.

I / We declare that I am / we are aware that this completed form will be distributed to all consultees, including local residents.

Signature of applicant(s): _____

Date: _____

For office use only

Checklist: (ensure 8 week's notice given)

- Fully completed and signed application form
- Original proof of address received
(Bank Statement, Utility Bill)
- Proof of right to work in the UK
(Passport etc.)
- Fee received
- 1 copy of location map (subject to copyright)
(at least 1:1250 scale)
- One colour photograph of the proposed location
- An original copy of Third Party and Public Liability Insurance
- Copies of proof that all food traders are registered with a Local Authority
- Signed and dated letter confirming toilet provisions
- Signed and dated letter confirming land owner/s permission if applicable
- Waste contract
- Basic criminal record check / Subject access check certificate

Officer: _____

Date Received: _____



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION TO TRANSFER A STREET TRADING CONSENT

PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

CURRENT CONSENT HOLDER

I / We: _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

**GIVE NOTICE THAT I WISH TO TRANSFER STREET TRADING CONSENT NUMBER
_____ CURRENTLY HELD BY ME TO TRADE AT:**

PROPOSED CONSENT HOLDER *

I / We: _____

Of: _____

Telephone Number: _____

E-mail: _____

Trading as: _____

* In addition to completing this form the proposed consent holder must also complete an application form for the grant of consent in order to provide all relevant information. Please note that current trading hours cannot be amended at this stage.

Have you carried out a basic criminal record check or subject access check within the last three months?

If yes, please give details:

Do you have any Court proceedings pending?

If yes, please give details:

Do you have any unspent Criminal convictions or cautions?

If yes, please give details:

This Authority 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 the Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Failure to report any changes to the details given in this application form may result in the revocation of the Consent.

Where an e-mail address has been provided this Licensing Authority may send Consent renewal reminders through this communication method, it is therefore important that if you change your e-mail address that you must inform this Licensing Authority at the earliest opportunity.

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

I / We declare that I / We have returned the Street Trading Consent and paper consent with this application.

I / We declare that I am / we are aware that this completed form will be distributed to all consultees.

Signature of current consent holder: _____

Date: _____

Signature of proposed consent holder: _____

Date: _____

For office use only

Checklist:

Both parties completed application form and returned original paper consent and plate.

Fee Received

Completed 'new' application form received with new details

Appendix Four

Policy for determining the Relevancy of Criminal Convictions in relation to Street Trading Consents

Applications

1. When submitting an application for the grant or renewal of a Street Trading Consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or wheresoever arising, which have resulted in neither an absolute discharge nor a conviction or caution.

Public Safety

2 This Licensing Authority's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex- offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.

1. Applicants demonstrating either or both of these will not normally be issued a consent by this Licensing Authority.
2. Before, this Licensing Authority makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
3. This Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon this Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
4. This Licensing Authority will in all cases verify the applicant's identity and require a basic criminal record check or subject access check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, this Licensing Authority will consider these carefully on the basis of:-
 - How relevant the offences were to the type of consent applied for
 - The relative gravity of the offences committed and
 - How recent they were
5. This Licensing Authority will consider all unspent convictions with further attention given to criminal offence involving:-
 - Dishonesty
 - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
 - Drugs including cultivation, sale, supply or the recreational use thereof
 - Sexual offence

6. A basic criminal record check or subject access check is required upon application and thereafter every three years.
7. This Licensing Authority reserve the right to seek intelligence from all 'appropriate sources'.
8. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.
9. Existing holders of a Street Trading Consent will be required to notify this Licensing Authority, in writing, within five working days of receiving a criminal conviction (including cautions).
10. Any applicant who is refused a Street Trading Consent, does not have the right to appeal to the Courts. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.
11. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council, or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

12. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading Consent, although further consideration of the application should be required, having regard to the circumstances of the offence.
13. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

14. As a Street Trading Consent Holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.

NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

15. As a Street Trading Consent Holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.
16. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

17. Street Trading Consent Holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become “fair game” for an unscrupulous street trader.
18. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Rehabilitation of Offenders Act

Other than as stated above in sections 1 to 18 of this appendix, this Licensing Authority will take account of the following tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.

Sentence – Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Sentence - Under 18 when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 3.5 years	(2)
	More than 6 months and less than (or equal to) 30 months	5 years	Sentence + 2 years	(3)
	Less than (or equal to) 6 months	3.5 years	Sentence + 18 months	(4)
Detention and Training Order (over 6 months)		5 years (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Detention and Training Order (6 months or less)		3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Sentence of detention (over 6 months but not exceeding 30 months)		5 years	As prison sentences	(5)
Sentence of detention (6 months or under)		18 months	As prison sentences	
Removal from Her Majesty's service		3.5 years	6 months	(6)
Service detention		2.5 years	6 months	(7)
Community order		2.5 years	6 months	(10)
Youth Rehabilitation Order		Longer of 1 year / end of the order	6 months	(11)
Fine		2.5 years	6 months	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years/ 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Youth caution, warning, reprimand		None	None	(14)

Appendix Five

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 South Gloucestershire Council, or by a Police Officer.
2. A copy of this Consent shall 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 Service of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, within 5 working days.
4. The Consent Holder shall not sublet or underlet this Consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party 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/her 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 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. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the street trading activity.
9. The Council may vary, with written reasoning, the Conditions attached to the Consent at any time.
10. The identities of all persons working on the street trading unit shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the Consent Holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the Consent Holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.

SITE CONDITIONS

14. The Consent Holder, when operating on a static trading 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 in writing by this local authority.
15. 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 trading site.
16. 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.
17. 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 to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent in writing from the Council.
18. The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent 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.
19. The Consent Holder shall keep the trading site and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
20. The Consent Holder shall provide and maintain at their own expense adequate refuse receptacles for litter.
21. 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.
22. 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.

TRADING CONDITIONS

23. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.
24. The Consent Holder shall not trade outside the time and days permitted by the Consent.
25. 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 valid street trading identification plate that has been issued by the Council.
26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:
 - (a) Obtain written permission from the Council
 - (b) Provide the name, age and address of the assistant
32. The Consent Holder shall at all times conduct their business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.

LEGAL PROVISIONS

33. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his/her employees or agents from any legal duty or liability.
34. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.

REVOCATION OR SURRENDER OF CONSENT

35. The Consent may be revoked, with written reasoning, 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 the revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
36. The Consent Holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the Consent.
38. The Consent Holder shall return the Paper Street Trading Consent to the Council immediately on revocation or surrender of the Consent.
39. A Consent Holder who is found and proven to be employing an illegal immigrant will have the Consent immediately revoked with written reasoning. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.
40. In the event of a Consent Holder having the Consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of revocation.

MOBILE TRADING CONSENT – Additional Conditions

41. This Consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.

42. Mobile units may sound chimes but not:-

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary;
4. When the vehicle is moving, except on approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
7. More often than once every 2 hours in the same length of street;
8. Chimes must not be louder than 80dB(A) at 7.5m; and
9. Chimes must not be sounded before 12 noon or after 19:00 hours.

BLOCK TRADING CONSENT- Additional Conditions

43. Block consent applications will require colour photographs covering the entire trading area the consent is being applied for.
44. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
45. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to this Licensing Authority at least 5 working days before the consent is granted.
46. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

NOTES TO THE CONDITIONS

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

The Council	Means the South Gloucestershire 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 South Gloucestershire Council and authorised by the Council to act in accordance with the

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 exemption from planning controls.
 - (c) The Council has discretion whether or not to enforce planning laws in relation to street trading.
3. Indicate that the trading unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

Appendix Six - Street Trading Consents Fees & Charges

The current fees and charges that apply to the Street Trading licensing function are currently stated on the South Gloucestershire Council website, <http://www.southglos.gov.uk/business/licences-and-street-trading/street-trading/street-trading-application-process/>, please refer to the 'list of associated fees'.

The fees and charges are reviewed annually by the Regulatory Committee and are re-published for 1st April or at the earliest opportunity after this date each year.

The Committee are advised during the annual review that Licensing fees and charges are set to ensure that the full cost of providing a service is met by the fees charged for licences and other authorisations, but also aim to ensure a cost-neutral service where no surpluses or deficits are made.

Appendix Seven – Policy Consultees

The Authority intends to consult the following on the content of this Street Trading Policy and Application Guidelines:

- Current holders of existing consents who will be affected by the provisions of the Act and local policy
- Chief Officer of Police (as listed in policy)
- Relevant public bodies and other interested persons (as listed in policy)
- South Gloucestershire Clinical Commissioning Group, Corum2, Corum Office Park, Crown Way, Warmley, South Gloucestershire, BS30 8FJ, E-mail: contactus@southgloucestershireccg.nhs.uk
- Jack Lopresti MP, Office 29, The South Block, The Courtyard, Woodlands, Bradley Stoke, BS32 4NQ, E-mail: jack.lopresti.mp@parliament.uk
- Luke Hall MP, 30 High Street, Thornbury, BS35 2AJ, E-mail: luke.hall.MP@parliament.uk
- Chris Skidmore MP, 47 High Street, Kingswood, BS15 4AA, E-mail: chris.skidmore.mp@parliament.uk
- Elected Members of South Gloucestershire Council
- South Gloucestershire Town and Parish Councils
- South Gloucestershire Chamber of Commerce - Economy & Skills Partnership and Business Networks (abdul.choudhury@southglos.gov.uk)
- Residents Associations – SSCG's and Priority Neighbourhoods, (CommunityEngagement@southglos.gov.uk)
- Housing Associations (as part of HomesWest South Gloucestershire) – (kerry.cox@southglos.gov.uk), (claire.wood@southglos.gov.uk)
- South Gloucestershire Citizens Advice Bureau, Kennedy Way, Yate, BS37 4DQ, E-mail: bureau@sgloscab.cabnet.org.uk