

## HART DISTRICT COUNCIL

### STREET TRADING CONSENT POLICY AND CONDITIONS

#### LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 PART III SCHEDULE 4

#### STREET TRADING

A “consent street” means a street in which street trading is prohibited without a licence granted by Hart District Council. This includes all streets within Hart District Council

“street” includes any road, footway or other area to which the public have access without payment

“street trading” means selling or exposing or offering for sale of any article including a living thing in a street

#### **A. *Legislation***

Under section 7 of the Local Government (Miscellaneous Provisions) Act 1982 when granting or renewing a street trading consent, the Council may attach such conditions to it as they consider reasonably necessary.

1. The trader shall not cause any obstruction of the street or any danger to any persons using the street
2. the trader shall not cause any nuisance or annoyance to any other person whether that person is using the street or otherwise or to the occupier of any building in proximity to the consent site
3. A street trading consent shall not be issued to any persons under seventeen years of age
4. the Council may include in a street trading consent permission for the holder to trade in a consent street from a stationary van, car, barrow other vehicle or portable stall
5. That consent will be subject to where the holder of the consent may trade and the times and periods they may trade
6. That street trading consent may be granted for a period not exceeding a twelve month period
7. The holder of a street trading consent may employ any other person to assist him in trading without a further consent being required providing that person has attained seventeen years of age
8. The Council may at any time vary the conditions of a street trading consent or revoke at any time
9. There is no right of appeal against the variation of a condition or refusal to grant or renew a street trading consent

## **B. Policy**

1. The applicant should be able to demonstrate a clear demand for the services which he/she would provide were a street consent be granted and the number of street traders in the area must be considered relative to what the area can sustain
2. The applicant should provide proof of identification with the application form
3. The applicant must produce either photographic or graphical drawings of the intended trading stand or vehicle with the application
4. All street trading consents will be limited to trading hours which will be determined by the Council

## **C. Conditions**

The Council may require the following additional conditions be attached to a street trading consent

1. A certificate of insurance covering public liability to a minimum amount of 5 million pounds shall be produced
2. There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site
3. Any sale of a food commodity then the unit shall have satisfactory hand washing facilities incorporated into it
4. The trader shall display the council issued street trading consent licence at all times whilst trading
5. The location of trading will be dependant upon:
  - A. The closeness of any shop selling similar commodity
  - B. The closeness of any other street trading consent selling a similar commodity
  - C. The decision of the licensing authority or committee
6. The consent holder must provide a receptacle for use by himself and customers to collect any waste, refuse or litter. All must be removed from the trading location at the end of each day's trading and property disposed of
7. Any authorised vehicle must be roadworthy, have current relevant documentation and internal and external appearance including stall shall be maintained in a clean, neat and tidy condition
8. Any stall, or authorised vehicle used for street trading must be immediately removable at all times in the event of an emergency or at any other time be removed at the request of any officers of the emergency services or officer of the Council
9. No stall shall remain situated for longer than one hour after the authorised trading times

10. No consent holder shall trade at his authorised location on dates when road closure directives are in place for special events otherwise than with permission of that organisation applying for same
11. The consent holder shall be subject to any additional fees or charges levied by virtue of that area being subject to any market day or other special designated date
12. The consent holder or assistant shall be clean and tidy and behave in a civil and orderly manner at all times
13. When requested to do so by an authorised officer of the Council or police officer shall produce the consent for inspection
14. The consent is not transferable and is personal to the consent holder
15. The street trading consent does not imply or give any other permission, consent or authorisation to trade in any other products other than those previously granted on application or renewal
16. Failure to comply with any of these conditions may result in this street trading consent being revoked or refused or the Council may attach further reasonable conditions to the consent which it appears appropriate to meet particular circumstances
17. The consent licence must be surrendered to the Council if the consent holder ceases trading
18. Adequate precautions shall be taken by the consent holder to prevent the risk of an outbreak of fire at his/her stall or vehicle where a power source or heating appliance is present, eg a generator or bottled gas container, then a suitable fire extinguisher be provided
19. Any consent holder who sells food shall be registered with the Council's Environmental Health section in accordance with the relevant regulations

**Hart District Council cannot and will not accept any liability for any accident or damage to any person, property or other thing whatsoever arising out of or in connection with the activities of the Licences or matters relating to street trading consent**