

# STREET TRADING POLICY



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## 1 Purpose

1.1 The Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

## 2 What is Street Trading?

2.1 Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.

2.2 Hart District Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes. The adoption was advertised in the Fleet News on the 13<sup>th</sup>

October 2006

2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.

### **3 Exemptions from the need to obtain a Consent**

3.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- a person trading under the authority of a pedlars' certificate granted under the Pedlars Act 1871
- trade carried out by roundsmen e.g. milkmen
- trade carried on at a petrol filling station
- The authorised street markets situated in Hartley Wintney and Odiham. Both of these markets are authorised and enforced by the respective Town and Parish Council managers

### **4 Street Trading Consents for which fees are not payable**

4.1 Hart District Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events
- non-commercial or charitable events
- farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
- sales of articles by householders on land contiguous with their homes
- the authorised street markets at Hartley Wintney and Odiham

### **5 Site Assessment**

5.1 The Council will identify suitable 'pitches' for street trading and will maintain a map showing their location.

5.2 Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.

5.3 In determining whether to create a street trading pitch the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions

- any potential obstruction of pedestrian or vehicular access
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity

## **6 Consultation**

6.1 Before a new pitch is created the Council will consult and seek written observations from:

- occupiers of premises immediately adjacent and opposite
- ward councillors
- parish or town council
- Hampshire Constabulary
- Development Control
- Highways
- existing holders of street trading consents in the immediate area.

The Council will also consider any responses received in relation to public notices on the highway.

6.2 Any objection from consultees will be assessed against the criteria in

5.3 above and may be referred to the appropriate Sub Committee for determination.

6.4 Any proposed change to standard conditions (see 10.1 below) will be consulted with consent holders and others, if relevant.

## **7 Nature of Goods and Trading Hours**

7.1 The nature of goods that may be sold from any pitch will be specified in the consultation process. Any subsequent substantial change will be subject to the level of consultation in 6.1 above.

7.2 The Council would not normally grant consent for the sale of goods or services which conflict with those provided by nearby shops.

7.3 Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types including services will be considered on a pitch by pitch basis and have particular regard to local needs shopping, product/ service diversity and balance.

7.4 Street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined

on a pitch-by-pitch basis.

7.5 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Council's Head of Planning and Environmental Regulation.

## **8 Issue of Street Trading Consents**

8.1 Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for block bookings for the purpose of organised street markets and for mobile street artists.

8.2 Consents will be issued for a minimum of six days per week, unless the applicant can provide an alternative scheme acceptable to the Head of Planning and Environmental Regulation.

8.3 Fees for consents must be paid in full in advance. In the case of renewals, payments must be made on a quarterly basis and be due on or before the following dates:

- 1 January
- 1 April
- 1 July
- 1 October

8.4 Failure to maintain payments as above may result in the consent not being renewed.

8.5 Where consent has expired the pitch will become subject to paragraphs 8.6 and 8.7 below.

8.6 When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch. The notice will be carried by one or more of the following: local newspaper, local radio, Council website; it may also be carried by other local publications.

8.7 Applications will be determined by the Head of Planning and Environmental Regulation. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.

8.8 Consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of having been convicted of an offence or for any other reason.

## **9 Fee Structure**

9.1 The fee structure will primarily reflect pitch location, trading days and hours. Other matters to be taken into consideration will include local needs shopping.

9.2 The Head of Planning and Environmental Regulation in consultation

with the Licensing Committee has delegated authority to set fees and to annually review the fee structure.

## **10 Conditions and Enforcement**

10.1 Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

10.2 Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

10.3 Failure to comply with conditions may lead to revocation or non-renewal of consent.

10.4 Persons trading without a consent and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action in accordance with the Hart District Council Enforcement Policy. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act.

## **11 Social Inclusion**

11.1 The Council will, where possible, give priority to the provision of consents to disabled persons and to those from minority ethnic groups.

## **12 General**

12.1 Through its tourism service and by other means, the Council will seek opportunities to promote street trading activities.

12.2 This policy will complement and inform other Council initiatives including those on street markets and life in the public realm.

12.3 This policy will be the subject of periodic monitoring and review.

12.4 This policy will inform the detailed conditions attached to every street trading consent.

12.5 This policy will be applied in a manner that is consistent with the Council's equalities policies.