

Street Trading

Information Pack

What is a Street Trader?

A Street Trader is someone who:-

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

Does the Control apply to all Traders?

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

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

How is Street Trading Controlled in Telford & Wrekin?

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

- i. All streets within Telford & Wrekin have been designated as consented streets.
- ii. This means that it is an offence to trade without a Consent granted by Telford & Wrekin Council in any street, road, footway, highway, or adjacent area to which the public have access without payment, other than those prohibited where no trading at all can take place.

- iii. Trading without consent may result in prosecution.
- iv. If a trader has been granted a consent the Council has the right to vary or revoke the Consent at any time if the trader fails to comply with the conditions attached to the Consent.
- v. If you wish to trade outside of Telford & Wrekin you should contact the appropriate District Council for that area. Please note that different Councils may have different procedures and rules regarding street trading.
- vi. If you wish to trade within Telford & Wrekin, an application should be made to Licensing Service, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA. Applications can be obtained by telephoning us on 01952 383267 or by email at licensing@telford.gov.uk, or at www.telford.gov.uk
- vii. The Licensing Service feels it is important to advise applicants that it is highly probable that any grant of a street trading consent is also likely to require planning consent. Applicants are strongly advised to contact the Planning Department, Wellington Civic Offices, Wellington, Telford, TF2 2FH. Telephone 01952 380380. Email – planning.control@telford.gov.uk
- viii. The Licensing Service will not expect applications for street trading consents from applicants who are selling or exposing for sale any article (whether food or non-food) that is for the benefit of a bona-fide charity.

How do I apply for Consent?

- i. Complete the appropriate application form – for a “static trader” if you wish to trade from a pitch, ~~or~~ for a “mobile” trader if you sell from street to street.
- ii. The application form must be accompanied by the following documentation:-

Proof that the business is registered with Telford & Wrekin Council as a Food Business (if applicable). If the business is registered outside of the Borough, then a copy of the registration form must be provided from that authority.

Food Hygiene Certificate (if applicable).

Written consent from the landowner if the street trading unit is to be located on private land.

A photograph showing the exact location of the pitch where you wish to trade from.

- iii. Post or bring the application to the Licensing Service to our address at Darby House. Please note that if you would like to meet with a relevant Officer an appointment is required;

What Are the Fees Payable for Consent?

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

	Food		Non Food	
	<i>Initial</i>	<i>Renewal</i>	<i>Initial</i>	<i>Renewal</i>
Single Unit up to 12m ² (max 5m length) for 12 months	£300.00	£280.00	£300.00	£280.00
Mobile traders for 12 months	£300.00	£280.00		
Day Consents	£60.00 (each additional day up to one week £18.00 per day)			

The above fees are subject to amendment as part of the 'Review of Licence Fee' Report.

How Long Does Consent Last for?

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

Are Consents Transferable?

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

What are the Responsibilities of a person granted consent?

Such a person is responsible for ensuring that:-

- i. The consent conditions are complied with.
- ii. All relevant certificates are produced to the Council with any application for Consent.
- iii. The vehicle or stall (if stored at an address within Telford & Wrekin) is registered with the Council if selling food of any description. Food Business Registration Forms are obtained by contacting 01952 381818 or email environmental.health@telford.gov.uk
- iv. The Council will not be held responsible for any acts or omissions arising from the grant of Consent.
- v. Where trading is on private land, to which the public has access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council

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

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

Consideration and Determination of your Application

- i. When received by the Licensing Service your application form will be checked. Provided there are no queries arising from the application form, your application will be acknowledged in writing within 5 working days of receipt. If there is a query then you will be contacted in writing and/or by telephone and given the opportunity to respond.
- ii. The Council may consult with the following agencies:
 - The Highways Authority
 - The Chief Officer of Police;
 - Public Protection (Food, Health & Safety)
 - Public Protection (Pollution)
 - Planning Department
 - The Council's Community Safety Team;
 - The Parish Council (if any) in which the Trading Unit is to be located;
 - The Ward Councillors; and
 - The owners/occupiers of any properties near to the proposed location of trading site.
 - Any other relevant agency
- iii. For all static and mobile street trading consents, The Licensing Service will undertake a four week consultation with all responsible bodies.

- iv. If queries are raised at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them.
- v. Having received all comments/recommendations and taking into account the Council's adopted Street Trading Policy, then the Principal Licensing Officer, under the Council's Scheme of Delegation, may then determine applications. If any relevant representations to the application are received, determination of an application could take longer, as the matter may require determination by a Licensing Committee hearing.
- vi. You will be informed in writing if your application needs to be referred to the Licensing Committee and the date of the meeting, to which you will also be invited to attend.
- vii. If your application is granted, the Consent will be issued, together with a copy of the Standard Conditions applicable to street trading Consents plus any Special Conditions deemed necessary by the Council.
- viii. If the Committee refuses your application you will be notified in writing of the reasons for refusal.
- ix. There is no right of appeal in the case of refusals or against the application of conditions.
- x For any events that require a day street trading consent, the Licensing Service will not accept any amendments to the submitted application less than 14 working days prior to the event. Any amendments required within this period will need a new application together with the requisite fee. In addition, no application will be accepted that is less than 5 working days of an event.

Is there an Independent Body which represents Street Traders?

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

Britannic Court

The Lakeside

180 Lifford Lane

Kings Norton

B30 3NU

Tel 0121 603 2524

Website www.ncass.org.uk