

Street Trading Consents

Policy Aims

We recognise that there is still a need for a common set of rules that should apply to all traders. Like all other kinds of business, they should not cause nuisance or inconvenience to their neighbours or to the community within which they are located. Hence, this policy describes what is expected in terms of the responsible management of stalls or approved vehicle/structure, the disposal of waste, not obstructing the highway etc.

In these ways a street trading policy does no more than ensure that traders operate within the same general constraints that apply to any other business, requiring that they comply with the law of the land and meet the same minimum standards than any responsible business should observe.

The policy also aims to regulate the number and location of street traders. It also sets out the parameters in which the Authority will make decisions and ensures that rules are applied consistently.

Consultation

In determining this policy we intend to consult with:

All recent consent holders

Members

The General Public

Town Centre Traders

Other interested parties

Policy Review

The policy will be reviewed every 5 years. At the time of the review, we will again consult with interested parties. We will also continue to monitor the policy on an on-going basis and may update it at any time where required.

Stockton-On-Tees Borough Council has adopted the relevant provisions of the Local Government (Miscellaneous Provisions) Act 1982 in order to control street trading and potential problems of nuisance etc. associated with street trading.

Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

'Street Trading' is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:

- a. Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.

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- b. Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- c. Trading as a news vendor.
- d. Trading at or adjoining a shop premises as part of the business of the shop.
- e. Offering or selling things as a roundsman.
- f. Trading from a licensed highway area
- g. Activities authorised by a street collection (charitable) permit

Schedule 4 of the Act defines a street as any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.

A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

Prohibited streets are streets where no street trading may take place at all.

Consent Streets are listed in Appendix A

Prohibited streets are listed in Appendix B

Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will also require a Premises Licence under the Licensing Act 2003.

Key Principles

Street Trading Consents are only available for trading on non-market days.

Current markets in the Borough occur as follows:
Stockton – Wednesdays, Fridays and Saturdays
Thornaby – Thursday
Billingham – Monday – Friday

Transfers - A Street Trading Consent cannot be transferred or sold to another person.

There are a number of temporary markets held within the Borough, especially in the Stockton High Street location. Trading at these markets or special events must be arranged through Stockton Borough Council Events Team.

Fees

Fees have been set on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the Consent, trading hours, and the articles to be sold. Where trading ceases during the term of Consent, refunds will not be given for any outstanding period of less than 3 months. Details of the current fees can be found on the Council's website or on application to the Licensing Officer.

Locations

In Stockton Town Centre, designated locations for street trading have been identified as follows:

1. Traders selling hot and cold food will be located on designated pitches on Dovecot Street or in the area to the north of the Central Fountains. **Map needed.**
2. Traders selling goods will be located south of the Town Hall. **Map needed.**
3. Other Town Centres – applicants should give two preferred locations on application.

A final location will be determined by the Licensing Authority and individual locations will be specified on the consents issued. Appendix 1 details consent streets across the Borough.

Other Restrictions

Traders may, from time to time, be required to move to accommodate specialist markets and events. They will be given prior notification at application stage of these days (fees will be amended accordingly)

Applications to leave a kiosk/stall/catering unit/seating etc. overnight will not be supported

Day Time Consent – trading is only permitted between 4am and 7pm

Night Time Consent – trading is only permitted between 7pm and 4am
Any seating area must conform to the agreed A boards and Street Cafes guidance.

For further information see:

<https://www.stockton.gov.uk/economic-regeneration-and-transport/doing-business-in-stockton/street-cafes-a-boards-and-shop-displays/>

Stall Design

Only those stalls approved by an authorised officer of the licensing authority shall be used by the licence holder. Photographs of stalls or approved vehicle/structure must be submitted as part of the application process.

Stalls or approved vehicle/structure must be:

- a) Visually appealing, be of sound construction, easy to maintain, adequate for the purposes intended, well designed and of a high quality finish; and
- b) Of an appropriate design to allow for easy disassembly or removal on a daily basis for the location and one that facilitates timely and efficient removal i.e. readily disassembled or removable on a daily basis.
- c) Canopies, awnings and tarpaulins or similar with traditional blue and white stripes are preferred. However, branded gazebo canopies will be tolerated at the discretion of the Authority.
- d) Of sufficiently robust construction and materials so that the daily removal will not result in the rapid deterioration in the appearance of the unit.
- e) Stalls or approved vehicle/structure ancillary equipment and stock must be contained within the pitch markings. The licensing authority may vary the pitch dimensions of any individual stall as required.

Applications

An application for Street Trading Consent must be made to the Council in writing. The following will be required to be submitted with the application:

- (a) A completed and signed Street Trading Consent Application Form. Full details of the stall dimensions must be provided.
- (b) The full application fee as appropriate.
- (c) One colour photograph of the stall or approved vehicle/structure that will be used for the street trading activity.
- (d) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.
- (e) A current Level 2 Award in Food Safety in catering certificate for all food handlers.
- (f) A valid Waste Transfer Note.

- (g) Proof of the applicant's and any prospective employee's right to work in the UK.
- (h) Gas safety certificate for the vehicle or stall if applicable.

Applications can be made:

- By post to Trading Standards & Licensing 16 Church Road Stockton TS18 1TX with a cheque payment (cheques made payable to Stockton Borough Council).
- In person at the Customer Services Centre, Stockton Central Library, Church Road, Stockton, TS18 1TU.
- On line at <https://www.stockton.gov.uk/community-safety/trading-standards-and-licensing/licensing-advice-and-information/do-i-need-a-licence/street-trading-consent/>

Processing of Applications & Delegations

Consents will be issued for a period of up to 1 year.

Before a Street Trading Consent is granted the Council will consult with the following Council Services:

Planning
Environmental Health
Community Safety
Highways
Events
Markets

When determining applications the following factors will be considered:

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include: obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. Traders will conduct themselves in a professional manner.

(c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise and/or odour particularly in residential areas.

(d) Appearance of the stall or approved vehicle/structure

The stall or approved vehicle/structure must be maintained in good condition smart appearance and meet criteria, including size, laid down in the standard Consent conditions. Photographs or sketches, including dimensions, must be provided with all

new applications and requests for approval of changes to or replacement of a stall or approved vehicle/structure. The general appearance of the approved vehicle/structure will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

(f) Environmental Credentials

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste generated by customers. Provision of adequate measures to minimise the environmental impact of the proposed operation.

(g) Food Traders

Applicants to trade in hot or cold food must be able to demonstrate a good understanding of food safety and be registered as a food business with the relevant local authority. As a minimum, food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.

(h) Prohibited Goods

Some goods are not permitted to be sold from street trading pitches because of unsuitability or licensing requirements. This includes:

Live animals

Second-hand electrical goods

Medicines or treatments

Alcohol

Cigarettes/tobacco

Any form of gambling

Firearms including replicas

Fireworks

Sex articles (as defined by the Local Government Miscellaneous Provisions Act 1982)

Legal Highs

Determination of Applications

The Principal Trading Standards & Licensing Officer is authorised, using delegated powers, to:

- (a) Issue Street Trading Consents where applicants show they meet all aspects of this policy and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982 and where no representations are received;
- (b) Refuse any application for Consent that:
 - (i) Does not comply with the Council's conditions and policies;
 - (ii) Where there are objections from consultees on the grounds of Public or Highway safety;

- (c) Refer applications to the Licensing Committee:
 - (i) When there has been a complaint about the trader or the trader has broken the conditions of their Street Trading Consent in the past year;
 - (ii) Where there is competition for a vacant approved site.
- (d) Suspend a Consent for a period of up to 28 days pending referral to the Licensing Committee: where serious food safety issues are found.

Applications will be referred to the Licensing Committee for determination where:

- (a) There has been a justified complaint about the applicants trading activities in the last 12 months;
- (b) Relevant representations are received.

It should be noted that Government guidance has confirmed that we cannot refuse an application on the grounds that there are already traders in a particular location selling the same goods.

Tacit Consent

Tacit consent means that if we have not dealt with applications within the target period then the application can be deemed to have been granted/approved.

Please note that tacit consent does not apply in respect of this application. It is in the public interest that the authority must process your application before it can be granted. If you have not heard from us within a reasonable period, please contact us.

If the pitch specified in this consent is situated on the paved section of the High Street, Stockton, the Consent Holder shall gain access to and from the pitch by a pre-determined route agreed in advance by the delegated officer whose details will be given on completion of the application. Please note that access is restricted in certain locations by removable bollards and prior permission is essential to gain access at these points.

Appeals

There is no statutory right of appeal against refusal to issue a Consent.

Special Events

The Council organises and facilitates a number of events throughout the year when street trading takes place. These events are organised and temporary markets and permits should be obtained from the event organiser or through the Stockton Borough Council Events Team.

General Conditions

The Authority applies general conditions to all consents. These are set out in Appendix 3. In addition specific conditions may be attached where appropriate.

Enforcement

The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues. We follow a Council wide Enforcement Policy to ensure any action we take is consistent, proportionate and transparent. This can be accessed at: <https://www.stockton.gov.uk/media/4192/enforcementpolicy.pdf>

Where licensable activities are conducted without the benefit of a licence, permit or consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate. The Maximum penalty for non-compliance on summary conviction is a fine of up to £1000.

Town Centre areas are monitored by CCTV and the Council will use this to ensure illegal street traders do not operate in Stockton.

The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

Failure to comply with one or more of the standard conditions of Consent may lead to revocation or non-renewal of Street Trading Consent.

Contact Information

For further information on street trading issues contact:
Trading Standards & Licensing
16 Church Road
Stockton
TS18 1TX

Tel 01642 524802
Email licensing.services@stockton.gov.uk

Appendix A List of Consent Streets

Stockton

Bishop Street
Calverts Lane
Knowles Street

Church Road	From its junction with High street to the roundabout junction with Maritime Road/Riverside Road
Dovecot Street	From its junction with High Street to its junction with Prince Regent Street
High Street	From its junction with Yarm Lane northwards to its junction with Bishopton Lane
Yarm Lane	From its junction with West Row eastwards to its junction with the High Street

Norton

High Street	From its junction with Norton Road to The Green including Harland Place
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Yarm

High Street	From its junction with Bridge Street to its junction with Bentley Wynd
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Thornaby

High Street	Including St Peter's Square
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Billingham

East Precinct
Queensway
Town Square

Appendix B - List of Prohibited Streets

All Areas

Albert Road, Stockton	Mill Street, Norton	Thistle Green, Stockton
Allensway, Thornaby	Mill Wynd, Yarm	Tower Street, Stockton
Atlas Wynd, Yarm	Moreland Avenue,	Union Square, Stockton
Bentley Wynd, Yarm	Nelson Terrace, Stockton	Victoria Yard, Stockton
Blue Post Yard, Stockton	North Street, Stockton	Wellington Street, Stockton
Bridge Road, Stockton	Park Terrace, Thornaby	West Back Bridge Road,
Calverts Square, Stockton	Prince Regent Street,	West Row, Stockton
Central Street, Yarm	Ramsgate, Stockton	West Street, Yarm
Cross Street, Norton	Regent Street, Stockton	Wharf Street, Stockton
East Street	Ropery Street, Stockton	Yarm Street, Stockton
Exchange Yard, Stockton	Rothberry Street, Billingham	Thistle Green, Stockton
Finkle Street, Stockton	Ship Inn Yard, Stockton	Tower Street, Stockton
Green Dragon Yard,	Silver Street, Stockton	Union Square, Stockton
Hambletonian Yard,	Smith Street, Stockton	
Holly Street, Norton	South Back Yarm Lane	
John Street, Stockton	South Street, Stillington	
Little Brown Street,	The Square, Stockton	
Middle Street, Stockton	Theatre Yard, Stockton	

Stockton

Yarm Lane	From its junction with West Row to its junction with Hartington Road
Bishopton Lane	From its junction with Norton Road to its junction with John Street
Church Road	Other than from its junction with High street to the roundabout junction with Maritime road/Riverside Road

Norton

Alleys off High Street	Including access to supermarket
Norton Avenue	From its junction with Norton Road to the junction of Grassholm Road
Norton Road	From its junction with Stockton High Street to its junction with Billingham Road
South Road	Up to junction with Bancroft Gardens

Yarm

Bridge Street	To viaduct
High Church Wynd	To viaduct
Leven Road	Up to junction with Bader Road

Billingham

Queensway	From junction of Roseberry Road to junction of Rothbury Street
Service Yard	To rear of Town Square and Queensway
The Causeway	Up to junction with Kingsway

Appendix 3 - Conditions Subject To Which Street Trading Consents Are Granted

1. No trading shall take place except between the dates specified on the Certificate of Street Trading Consent.
2. The Council or the Consent Holder may terminate the Consent by giving one weeks' notice in writing to the other at any time.
3. The Council may suspend or revoke the Consent without any prior notification and without prejudice to the right of the Council to recover sums due and owing if the Consent Holder fails to observe or comply with any condition contained in this Consent or for any other reason considered appropriate.
4. Before an application for Consent is granted, photographs of any stall or approved vehicle/structure must be supplied and may be subject to inspection and approved by the officers from Licensing.
6. The Consent Holder shall ensure that the trading stall complies with the relevant statutory provisions.
7. Any proposed change in trading stall must be notified to the Trading Standards & Licensing Manager and such trading vehicle shall be inspected and approved before use.
8. The Consent is personal to the Consent Holder and shall not be assigned to any other person.
9. The Consent Holder's stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance.
10.
 - (a) The Consent Holder may be assisted at any time by a maximum of two other persons whose names and addresses have been previously notified in writing to the Council. No person under the age of sixteen years shall assist the Consent Holder.
 - (b) The Consent Holder or the named assistants shall attend the stall or approved vehicle/structure at all times while trading is taking place. Evidence that any person attending the stall or approved vehicle/structure is a named assistant shall be provided upon request by a duly authorised officer of the Council.
11.
 - (a) The Consent Holder shall trade only in the goods or services that are authorised by this Consent.
 - (b) Any proposed change in the goods or services to be traded shall be notified in writing to the Council and such goods or services shall be approved before trading takes place.

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12.
 - (a) On the grant of the Consent a plate will be issued to the Consent Holder who will display the plate on the trading stall in a prominent position so that it can be seen by prospective customers at all times.
 - (b) The plate and Consent must be surrendered to the Council on the day following the expiry or revocation of the consent.
 - (c) The plate and Consent must be produced on demand to a Police Officer or duly authorised officer of the Council.
13. The Consent Holder shall provide such suitable containers as may be necessary for the deposit of litter and other waste arising from his trade or customers. He shall ensure the immediate vicinity of his trading stall is kept free from litter and other waste at all times during the period of trading and that the site and immediate area where trading has taken place is left free from litter and other waste after it has ceased.
15. The Council shall not be liable for any loss or damage sustained by the Consent Holder as a result of the suspension or revocation of the Consent or for any other reason.
16. The Consent Holder may be instructed to move his trading stall approved vehicle/structure temporarily or the Consent may be temporarily suspended by a duly authorised officer of the Council at any time to enable the emergency services, statutory undertakers and local authorities to carry out their duties.
17. Notwithstanding any provision in this Consent the Consent Holder shall not be permitted to use the pitch specified during days and periods when special events organised by this Authority are to be held in the Town Centre and the weekly charges which would be payable by the Consent Holder to the Council for the period of the special event will be adjusted accordingly. The Council will give the Consent Holder one month's notice of the holding of a special event to which this condition applies, together with details, if any at all, of the Council's requirements and charges for use of the pitch during the said special event.
18. If the pitch specified in this consent is situated on the paved section of a town centre location, the Consent Holder shall gain access to and from the pitch by using a designated access route as informed
19. The Consent Holder shall comply with such statutory requirements as may be applicable to the sale of his goods or services which may include but are not limited to the Food Safety and Hygiene (England) Regulations 2013, the Food Safety Act 1990, The Health and Safety at Work Act 1974.
20. All food businesses must be registered as a food business with the local authority where the van/stall is kept overnight. All food businesses registered outside of the Stockton Borough Council area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local

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authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.

21. All food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by The Chartered Institute of Environmental Health or The Royal Institute for Public Health.
22. All food businesses must achieve and maintain a minimum Food Hygiene Rating of '3 – Generally Satisfactory'. The Hygiene Rating must be displayed prominently on the stall or vehicle.
24. The Consent Holder shall conduct his trade in such a manner so as:-
 - (a) Not to cause nuisance or annoyance or disturbance to other authorised traders, persons using the street and owners or occupiers or nearby premises.
 - (b) Not to cause damage either by a wilful act or by negligence to any part of the material and construction of the street, including any pavement or verge or to any fencing, sign or adjacent property.
25. The Consent Holder shall not at any time operate a loudspeaker horn, chimes or any amplified music from or in the vicinity of his trading stall.
26. A Consent Holder may terminate a Street Trading Consent by written notice to Trading Standards & Licensing, 16 Church Road, Stockton, TS18 1TX. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the Council will retain to cover administrative costs.
27. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the stall.
28. Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's stall or approved vehicle/structure and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Stockton Borough Council on application and as required.
29. Where any notice is required to be given under this Consent it shall be deemed to have been served if delivered to the address of the Consent Holder or such other address as may have been notified by the Consent Holder to the Council in writing.