

# Street Trading Policy

September 2018

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## 1.0 - Introduction

This policy is a decision making framework for the consideration of applications for street trading consents. The aim of the policy is to create a street trading environment which is sensitive to the needs of the public, consumer choice, ensures safety and contributes to the character and ambience of the local environments. The council's power to regulate street trading is set out in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 referred to in this policy as "the Act".

Street trading can aid the local economy and contribute to the facilities offered to people who visit, live and work in Lichfield District and it supports the District Council's priority to encourage a vibrant and prosperous economy.

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## 2.0 – About this policy

Lichfield District Council's original Street Trading Policy was published in April 2016. This updated policy has been created to reflect the feedback and experiences we have had since the original policy was published.

The purpose of this policy is to provide a set of criteria and guidance which will be used as the regulatory framework for street trading. This policy will inform applicants and organisers of special events of the parameters by which the Council will make decisions. It will also give prospective traders an early indication as to whether their application is likely to be granted or not. It also provides prospective applicants with details of what is expected of them.

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## 3.0 – Definition of street trading

Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

**'the selling or exposing or offering for sale of any article (including living thing) in a street'.**

The Act defines the term 'street' as including:

**'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'.**

Streets located on private land are included within the scope of this policy.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- **A pedlar trading under the authority of a pedlar's certificate granted under the Pedlar's Act 1871;**



- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.
- Trading as a news vendor.
- Trading carried on at a premises used as a petrol station.
- Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.
- Selling things, or offering or exposing them for sale as a roundsman.

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## 4.0 – Types of street trading

Streets may be designated as either ‘prohibited’, ‘licensed’ or ‘consent streets’ for the purpose of street trading.

### Definitions:

#### Prohibited streets

If a street is designated as a prohibited street then a criminal offence is committed by any person engaging in street trading in that street. There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading in a particular location. The only prohibited street in Lichfield District is the whole extent of the A38.

#### Licensed streets

A licensed street designation is considered appropriate for the more formalised market type of trading in a street where the strict control of a limited amount of space is required. There are no licensed streets within Lichfield District.

#### Consent Streets

Designating a street a consent street enables trading to take place upon it, subject to the trader receiving a consent to trade from the Council. All streets within Lichfield District are designated as consent streets with the exception of the A38.

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## 5.0 – Street trading within the Lichfield District

Lichfield District Council has designated all streets within the Lichfield District as consent streets, except the whole extent of the A38. This policy applies to all street trading which is undertaken within the Lichfield District.

Where an applicant wishes to trade on private land, a consent will not be granted by the Council unless the applicant provides written permission from the land owner showing they have permission to trade.



Traders trading during events held at the Cathedral will be considered to be street trading if they are either trading on the street named Cathedral Close or on the grassed area facing into the street but not where they are on the grassed area facing into the cathedral.

This policy does not apply to:

- Small scale trading from residential properties (for example, garage sales, garden produce, eggs from own private livestock).
- Sale of articles by a charity. Charity sales and collections in the street are regulated under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 by the Council. Charities should contact the Council Licensing Team to apply for a permit.

Street trading consents are issued by Lichfield District Council. The consents come under the following classifications:

### Annual Street Trading

This is a consent that lasts 12 months and enables the trader to trade up to 7 days a week at a particular pitch within the district. Temporary trading is preferred within the Town Centre locations. Annual consents are limited to certain locations in the towns.

### Temporary Street Trading

This type of consent is for short periods of time for designated pitch in the district.

### Roaming Street Trading

This is where a trader operates on various streets within the district rather than a fixed location.

### Special Event Street Trading

An organiser of an event will apply to the Council requesting their event to be considered a 'special event' where street trading is taking part at the event and there are more 10 or more consents that require issuing.

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## 7.0 – Why do we have street trading?

Street trading supports the District Council's priority to encourage a vibrant and prosperous economy. It provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, household goods and other services for local communities, those travelling to work, and the visitors to Lichfield District.

The designation of all streets within Lichfield District <sup>1</sup> as consent streets has taken place to ensure:

- **Public Safety**
- **Prevention of crime and disorder**
- **Prevention of public nuisance**

<sup>1</sup>Except the A38



## 8.0 – Key considerations when assessing an application

The following criteria apply to all types of street trading:

### Public safety

- The proposed location of the activity should not present a significant risk to the public in terms of highway safety and obstruction.
- Some locations may be considered unsuitable or may require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

### Prevention of crime and disorder

- The proposed activity should not present a risk of crime and disorder to the public.

### Prevention of nuisance

- Activities at the pitch must not cause a nuisance or annoyance to neighbouring properties, this includes businesses. Controls must be in place to ensure that nuisance from noise, light, refuse, vermin, fumes, obstruction, littering, and smells does not occur.
- If at any time we receive complaints the nuisance is occurring, we are duty bound to investigate and, if complaints are found to be justified, we may decide to withdraw the consent.

### Suitability of the applicant

- Lichfield District Council will consider any unspent the convictions the applicant may have.
- The council will reserve the right to request a basic disclosure check where the Council deems there is a risk to children and/ or vulnerable people. Examples of circumstances where basic disclosure may be required are ice cream sellers.
- When determining whether an applicant is suitable, we will look at the reliability of the applicant in paying fees and charges based on previous history.
- An applicant's history of street trading will also be taken into consideration e.g. whether previous street trading consents have been used appropriately and whether the council's requirements have been met, including deadlines.

### Suitability of the trading stall

- The vehicle, trailer or stall (now referred to as a 'stall' within this policy) to be used should be of a high quality design, build, add to the quality of the street scene and be adequate for the purpose intended.
- The stall must meet with all of the consent conditions.
- The stall may be inspected by an officer from Lichfield District Council prior to consent being issued.
- Only stalls approved by an authorised officer of Lichfield District Council can be used.
- The stall will comply in all respects with any legal requirements relating to the activity proposed.
- The stall must be removed each evening, unless it is permitted by the consent.
- Colours should be chosen which are suitable for the surroundings.



- The stall shall be of such a design that it facilitates timely and efficient removal.
- The stall shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Stalls and ancillary equipment and stock must be contained within the pitch.
- Prior to any consent being issued or in cases where a consented trader wished to change the stall, prior approval must always be sought from the Council. Proposals must include all display equipment and any attached, projecting or free standing elements.
- The design and appearance of the stall must be agreed by an officer from the Council before consent will be granted.

## Generators

- Generators shall be positioned so as to reduce the length of cabling required to an absolute minimum and to minimise nuisance to local residents or businesses from noise or fumes. Where required, silenced generators or acoustically insulated generators should be sourced.

## Advertising

- Advertising should only relate to goods offered for sale on that pitch.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall kiosk without express consent of the council.
- The use of 'A' boards is prohibited for certain sites (for example. Lichfield City Centre).

## Barriers

- Barriers will only be allowed on a consent pitch where they have been specifically included within the stall's approval.

## Hours of trading

Trading hours will be set on the basis of promoting the following purposes:

1. Preventing crime, disorder and antisocial behaviour.
2. Avoiding nuisance.
3. Protecting public safety.
4. Preventing obstruction of the highway.
5. Having regard to location and operating hours of business activity.

## Selling the right goods

The council will not normally grant a consent for the sale of goods which conflict with those provided by nearby shops. If a street trader has used a location regularly and a shop selling similar goods begins trading in the area, the Council may choose to continue to grant consents to that street trader.

The types of goods allowed to be sold will be considered on a pitch-by-pitch basis and specified on the consent.



Anyone wanting to have a stall must clearly state the nature of the proposed goods. The goods must not:

- Cause a nuisance or annoyance to nearby properties/ people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Cause or contribute to crime and disorder – including the selling of fake or counterfeit goods.

### Site assessment

In determining whether street trading in a particular area is appropriate 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, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian, vehicular or disabled access.
- Any obstruction to the safe passage of pedestrians and wheelchair users.
- The safe access and egress of customers and staff from the pitch and immediate vicinity.

### Other criteria

- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in the consent.
- The consent holder may only trade in goods that are outlined on the consent.
- A copy of the consent shall be made immediately available upon request to an authorised officer of the council or the police.
- Auction sales shall not be permitted as part of the consent.
- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.

Failure to comply with any of these requirements may result in refusal to issue consents or withdrawal of consent.

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## 9.0 – Annual street trading

An annual consent can last up to 12 months. This consent enables the consent holder to trade up to 7 days a week at a particular pitch within the district. Annual street trading consents run from the 1<sup>st</sup> April until 31<sup>st</sup> March the following year. Consents can be applied for part way through the year, but they will only run until 31<sup>st</sup> March.

### Filling vacancies and allocation of pitches

The council will keep a waiting list for annual pitches that are currently occupied. Traders can express an interest in a pitch. The details will be held on a list. The list will be kept in chronological order. Traders will be contacted in chronological order and the first suitable trader will be invited to make an application once a pitch becomes available.





If a trader makes an application, but is unable to trade when a pitch becomes available, the pitch will be offered to the next appropriate trader on the list.

Where there is no one on the waiting list for a pitch the council will from time to time advertise the vacancy for the annual street trading pitch on the council's website and select the most suitable applicant from those applications.

### Surrendering an annual consent

Where the trader at an annual pitch wishes to surrender their consent they must give the council 21 days written notice. Notice must be sent to [street-trading@lichfielddc.gov.uk](mailto:street-trading@lichfielddc.gov.uk)

### Payment of fees for annual pitches

Annual fees are published on Lichfield District Council's website. The annual fee is based on a daily fee 5 days worked per week, 50 weeks of the year. For annual pitches an initial payment equivalent to 40 trading days will be due before a consent is granted. The remaining fee will be spread over the following 10 month period, with monthly payments equivalent to 21 trading days due. The monthly payments will start one month after consent is granted. The consent will run from the 1<sup>st</sup> April until 31<sup>st</sup> March the following year. If an applicant makes an application during this period the consent for an annual pitch will cease on 31<sup>st</sup> March in the year that it was applied.

### Annual consent renewal

Consent holders will be reminded that their consent is due to expire at least 28 days before the expiry date. This is done to assist the trader, the Council accepts no liability if you do not receive the reminder. It is the trader's responsibility to ensure that they have the correct consent and to ensure that they submit their application prior to the expiry of their consent.

Consent holders may submit their application to renew up to one month in advance of their current annual consent running out. Applications for renewal must be received 14 days before the consent is due for renewal. **Failure to do so may result in a renewal not being granted or a delay in you being able to trade.**

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## 10.0 – Temporary street trading

Temporary street trading pitches can be in any appropriate location on a consent street. Each application will be assessed on its own merits.

Deadlines for applications are:

Type of application	Deadline
New application for a pitch that has not been used before by this trader or a new type of stall is proposed	10 working days



Application where the trader has traded at the pitch before with the same stall or is part of a special event	5 working days
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### Payment of fees for temporary pitches

Current fees are set out on Lichfield District Council's website. For temporary pitches the applicant will need to pay when booking. The trader will incur the one day fee and then a lower daily fee for any additional days to be added to the same consent. The additional days must be at the same pitch or a pitch that has been previously authorised for use by this trader. The additional days must also be within the same financial year as the 1<sup>st</sup> day of trading. To take advantage of the additional day fee rate full payment must be made in advance and in one transaction.

## 11.0- Roaming street trading

Consents for roaming street trading will be granted on condition that they allow no more than 30 minutes trading in any 100m part of any one street on any one day and don't return within 2 hours. This reflects the peripatetic nature of their operation. Trading in one place for longer than this will require a temporary or annual street trading consent. The trader must clearly identify the times and dates they wish to trade and in which locations. It is up to the consent holder to ensure that they comply with laws relating to the highway. The Council will generally restrict or amend your consent where the type of goods conflict with other goods for sale in the vicinity. Consents can run for up to 12 months. Applications must be made at least 10 working days before the consent is due to start.

### Payment of fees for roaming pitches

Please see Lichfield District Council's website for the current fee. Full payment must be made in advance of a consent being granted and in one transaction.

## 12.0 – Special event street trading

A 'special event' is where there are 10 or more street trading consents to be issued, to the traders at that event, and where the event is organised by a single person/ organisation. The organiser must meet certain criteria before an event will be considered a special event. The criteria are outlined in this policy.

Special events can make a significant contribution to the local economy and can attract many visitors and tourists into the district.

Once an event has been approved as a special event the organisers will invite applications to be made by street traders wanting to trade at the event. Consents will be issued by the Council to individual traders on successful application to the council.

### Applying to be considered a special event

Applicants should complete the online special event organiser's application. All questions must be answered in full. Only fully completed applications can be considered.



Applicants wishing to serve and/or sell alcohol will need to apply for a Temporary Event Notice (TEN). A TEN must be sent to the licensing team (and the police) at least 10 working days in advance of a planned event.

The deadline for applications are:

Type of application	Deadline
Events involving more than 2000 persons at any one time or events with less than 2000 persons if there is an increased risk.	At least 3 months before the event
Events involving less than 2000 persons where there is no increased risk.	At least 6 weeks before the event

We strongly recommend that all street trading organisers contact the licensing team whilst they are in the planning stages of their event. Applications may have restrictions put on them by the Council such as the number of certain type of trader e.g. food, or the number of total stalls that can be accommodated at the event.

### Criteria to be met by event organisers

- **The event organiser and the event**

When determining whether the special event application is authorised the Council will take into consideration the past experience the Council has of the event organiser, this will include compliance with conditions and policy, complaints and any other relevant matter. We will also consider how successful previous events have been in supporting to council objective of having a vibrant and prosperous economy. The organiser of the event may be asked to evidence this.

- **Minimum of 10 street trading consents to be issued**

To be considered a special event a minimum of 10 street trading consents must be issued to traders at this event. Having 9 or less traders can still be applied for, but will be considered temporary street trading.

- **Economic benefit to the district**

The council expects a 'Special Event' to have economic benefit to the district and support the Council's objective of having a vibrant and prosperous economy. In order to encourage more visitors and promote a greater visitor spend in our district the Council expects these special events to be more than a market. As well as street trading stalls we would expect the event to normally include some sort of entertainment, attraction or promotion to encourage visitors to the event and surrounding area. The amount expected will be proportionate to the size of the event and determined on a case by case basis. If the Council believes that this has not been done adequately the application may be refused.

Lichfield District Council would like to attract a variety of events to the District and to ensure that the events are varied. Restrictions may be put in place to reflect this limiting the number and certain types of stalls e.g. the number of food and drink stalls at a garden festival.

### Event management plan

An Event Management Plan (EMP) for the event must be provided to the Council well in advance of the event but no less than 6 months before the event. It will be necessary for some event organisers to attend the Safety Advisory Group (SAG) to discuss the plans with the



appropriate authorities. The deadline for the submission of the EMP will be set by an Officer of the Council based on when the SAG is and other appropriate factors. Where the event organiser is attending the SAG a deadline for the final version of the EMP to be provided will be set by the SAG. The EMP must include:

- Health and safety risk assessments for the event.
- Traffic management details, including evidence that a road closure has been obtained (if appropriate).
- Organiser insurance details compliant with this Policy.
- Fire safety provision.
- Details of medical, ambulance and first-aid management.
- Major incident planning (emergency planning).
- Structures, barriers, electrical installation and lighting (where appropriate).
- Details of sanitary facilities.
- Details of waste management, e.g. whether additional street cleansing is required.
- Consideration of the impact of noise and vibration.
- Protection of children and vulnerable adults at the event
- A plan and stall layout.
- Any other factor as prescribed by the SAG.

Failure to provide a satisfactory EMP within the deadline set may result in refusal or withdrawal of the special event status.

- **Attendance at the Safety Advisory Group**

If it is deemed appropriate for the details of the event and the EMP to be taken to a SAG the organiser must attend a SAG meeting. Where actions are agreed the organiser must put these in place and the EMP be amended accordingly. A copy of the amended EMP must be provided to the Council by the deadline set by the officer or the SAG. Failure to comply with the recommendations set out by the SAG may result in a special event status being withdrawn or refusal of the event

- **Public liability insurance**

The event organiser must have in place Public Liability Insurance cover to a value no less than £5 million. The council reserves the right to require a higher cover if it is deemed necessary. You are required to produce evidence of such insurance.

Failure to provide proof of insurance for the duration of the event will lead to a special event not being authorised or authorisation being revoked

- **Marketing**

Appropriate marketing for the size of the event must be undertaken by the event organiser.

- **Accounts**

The applicant must submit the full accounts for the previous year this event took place. Also budget for the event must be submitted including all costs incurred.

- **Map**

A map showing the location of the stalls must be provided at least one month before the event.



- **Making the event a special event**

Organisers need to make sure that it is a special event and not just a market. Details of how you are going to make the event a special event must be included in your special event application. The exception to this is when an existing market is moved to accommodate another event.

- **Notification to local residents and business'**

The event organiser must notify all local (within the immediate vicinity of the event) businesses and residents of the event at least one month before the event is planned to go ahead. This notification must give details of the event, details of any road closures, any impacts that the event may have on the residents/ businesses, and how they can get involved in the event should they wish. Event organisers must notify the Council which businesses and areas they have notified for an event and provide a copy of the notification to the Council. The Council may extend the businesses and area if it is deemed necessary.

- **Waste**

For events where more than 15 consents are due to be issued the event organiser is required to provide a means of waste removal from the event e.g. provide a skip for disposal of waste. If an event fails to provide adequate waste disposal a deduction may be taken from your deposit.

## Bidding for special events

To ensure a fair and transparent method of event organisers booking events, organisers should apply to the licensing team using a special event application form for events by 1<sup>st</sup> September before the calendar year the event is to be held in. The application process will ensure that the best events for the district with the best organisers will be chosen to trade in the district. Applicants that wish to be considered during the bidding process must submit a complete online Special Event Organiser application form including all the relevant documents. The applicant must provide all the information they wish to be considered as part of the bidding process, information will not be accepted after the closing date of bids. Applications will be accepted after the bidding deadline, however, if the dates are already in use, the city is saturated with special events, a similar event has already been booked in or other relevant factor the special event application will be rejected. Incomplete applications will not be considered as part of the bidding process. The appropriate deposit must also be included with the application, this deposit is non-refundable on cancellation of the event. The application must be submitted as stated in this policy. Bids received after the bidding process will be judged on a first come first served basis. No bookings for the following year will be taken until the bidding process has been completed.

During the bidding process a number of factors will be considered including:

- Organiser's past performance in organising previous events.
- Previous compliance.
- Economic benefit
- Complaints and compliments
- Ability to meet deadlines.

This list is not exhaustive and other relevant factors will be considered.



## Consent fees for special events

For special events pitch fees the trader will incur the one day fee and then a lower daily fee for any additional days they wish to add to the consent. To take advantage of the additional day fee rate full payment will need to be made in advance and in one transaction. Additional days can only be added for the same event.

## Additional fees for special events

The following fees apply once this process has been complete:

Action	Fee
<b>Deposit</b> Refundable on successful completion of the event. However, deductions will be made where costs have been incurred by the Council or other agencies/bodies e.g. damage to street furniture, cost of removal of waste. Any deductions made from the deposit will be based on full cost of remediation plus a 15% admin fee. The deposit is not refundable if the event is cancelled.	15 stalls or less £150 16-99 stalls £300 99-199 stalls £600 200-299 stalls £1200 300 + stalls £2,500 Deposits are payable by the event organiser.
<b>Incorrect or incomplete application</b> Council requests further information to complete application.	£33 per check of updated application. Payable by the trader. Payment to be made before a consent will be issued.
<b>Public Liability Insurance (PLI)</b> Where the PLI is in date at the time of the original application, but runs out before the event takes place, the licensing team will e-mail the applicant one reminder to provide the PLI that covers the period of the event. If the applicant fails to provide the correct documentation within 5 working days of that e-mail. The Licensing Team will chase the documentation again resulting in the following fee applying.	£33 Payable by the trader. Payment to be made before a consent will be issued.
<b>Late Applications</b> Traders applications received less than 14 days before the event	£33 for 1 day. Extra days £13 per day (within the same special event if booked at the same time). Payable by the trader.

## Special event applications

Applications must be made online. Where applicants want to submit extra documents as part of the bidding process they must send the information to [street-trading@lichfielddc.gov.uk](mailto:street-trading@lichfielddc.gov.uk)

All information must be correct and complete. Where misleading, incorrect or incomplete information is provided the application may be rejected.



## 13.0 – Letting of pitches

### Sub-letting pitches

Consent holders are not permitted to sub-let the pitch they are allocated under any circumstances.

### Re-letting pitches

Street traders must make full use of their consent. The local authority will assess whether a consent holder has made a full use of their consent. Street traders shall notify the Licensing Team in circumstances where, and for whatever reason, they do not intend to make use of their consent, and notification should be made in advance. Consent holders must inform the Licensing Team of the date upon which they intend to resume trading. In circumstances where the date is not known, consent holders must give appropriate notice of their intention to resume trading. Where no prior notification has been received and in circumstances where the council is satisfied that the consent holder is not making full use of their consent it may re-let the street trading pitch to another trader. Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

## 14.0 – Temporary relocation

When a pitch becomes unsuitable, the council will relocate consent holders where suitable alternative street trading pitches exist. The council may consult with the highway authority to identify suitable alternative pitches for the purpose of relocating the displaced street trader.

## 15.0 – Fees and charges

Lichfield District Council set fees and charges for street trading. Fees and charges are reviewed annually.

Where a consent is surrendered or revoked, the council will remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent.

Please visit [www.lichfielddc.gov.uk/streettrading](http://www.lichfielddc.gov.uk/streettrading) to find out what the current fees and charges are for street trading.

## 16.0 Applications

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not normally be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any charges.
- The location is unsuitable
- The stall will be in proximity of a shop selling similar goods.
- The activities are likely to cause a nuisance or annoyance to neighbouring properties.
- The applicant is unsuitable.



- An applicant has failed to appropriately use previous consents.
- The stall is unsuitable.
- It causes or contributes to crime and disorder.

This list is not exhaustive.

## Who can apply?

To apply for consent a person must be:-

- An individual or business
- 17 years of age or over
- Legally entitled to live and work in the UK

## Making an application

All applications must be made on the council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can apply online by visiting [www.lichfielddc.gov.uk/streettrading](http://www.lichfielddc.gov.uk/streettrading), if you are unable to apply online please call 01543 308725 to request a hard copy.

The application must be accompanied by the following documents:

- Public Liability Insurance certificate
- A description of the stall or a photograph if available.
- Basic Disclosure and Barring Service (DBS) check or access to the DBS update service for you or any assistants if requested by the licensing team.
- Proof that the applicant, and any assistants are entitled to work in the UK if requested.

Once the application is complete and has been accepted, the council will either:

- Grant the consent as applied for.
- Grant the consent with conditions or a variation to the application.
- Refuse the consent.

Where a consent is refused the council will notify the trader in writing detailing the reason for refusal.

## Receipt of application and fees

An application will be treated as being received only when the relevant application and all the necessary supporting evidence has been received and the relevant fee has been paid. The application must be completed in full. Incomplete applications will be rejected. Failure to follow the application process may result in the consent being refused or delayed. Applicants are encouraged to submit their applications in plenty of time of the trading date to ensure that if there are any problems they can be rectified or discussed before they intend to trade.





## Consultation

Before a street trading consent is granted the council may decide it is appropriate to consult with various people or groups. The council will consider relevant representations.

The licensing team may consult the following people before issuing a consent:

- Staffordshire Police
- Highways Authority
- Relevant services at Lichfield District Council e.g. food team, waste team etc.
- Fire and Rescue Service.
- Trading Standards
- Any other person or body deemed necessary.

Information obtained from these people/ bodies will be considered during the application process and will help determine whether a consent should be granted.

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## 16.0 Insurance

The council will accept no liability for the street trading activities undertaken by the consent holder(s). Evidence of suitable public liability insurance (minimum value of £5 million) will be required from the applicant covering the period they wish to trade.

The insurance must be maintained throughout the period of the consent and the consent will be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum value.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the consent holder to provide the council evidence that public liability insurance is continuous for the period of the consent.

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## 17.0 Food stalls

All food businesses must be appropriately registered with their local authority. Certain low risk businesses are exempt from the hygiene rating scheme, so will not require a hygiene rating, however the council may contact their local council to ensure adequate compliance with food law. Other low risk food businesses (the decision of what is classed as a low risk business will be determined by the Food Safety Team), may be considered safe to trade whilst awaiting inspection by their local authority or in other circumstances. All other traders that sell or provide food must have a national food hygiene rating of a 4 or 5. Where a rating drops below a 4 whilst a consent is in place, consent may be withdrawn. Applicants and consent holders should notify Lichfield District Council of any changes to their national food hygiene rating.

If food safety is found to be below the specified standard, consent will be withdrawn until the issues are resolved.



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## 18.0- Disclosure and barring service check (DBS)

The council may ask you to apply for a basic disclosure to ensure that you are a suitable applicant. For information on how to apply for a basic DBS check please visit

<https://www.gov.uk/government/publications/basic-checks>. If you are asked to provide a disclosure and barring service check as part of your application any assistants working during the duration of the consent will also need to provide a check.

We will not accept DBS checks that are more than 3 months old at the time of the application.

Applicants that regularly apply may want to consider the DBS update service, further information is available at [www.gov.uk](http://www.gov.uk).

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## 19.0 Removal of waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must put in formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Special event organisers with 16 or more consents issued for an event must provide sufficient waste disposal facilities.

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## 20.0 Revoking consents

There is no right of appeal against an officer's decision to revoke a consent. Where a consent is revoked the council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days. The Head of Regulatory Services, Housing and Wellbeing may allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to revoke the consent has been made.

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## 21.0 Refusing applications

The council may refuse to grant a consent. Where a consent is refused the council will advise the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against an officer's decision to refuse a consent. The Head of Regulatory Services, Housing and Wellbeing may, however, allow an appeal to the Regulatory and Licensing Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to refuse the consent has been made.

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## 22.0 Conditions, complaints and enforcement

General conditions will be attached to every consent. Additional conditions may also be attached relating to the type of the consent given. Failure to comply with conditions may result in enforcement action, revocation of your consent, and refusal to grant further consents on application.



## Complaints

Complaints will be fully investigated in accordance with the Council's Complaints Policy and consent holders will be expected to liaise with the council to resolve them, Substantiated complaints may result in a consent being revoked and refusal to grant further consents on application.

## Offences

Decisions regarding enforcement action will be made in accordance with the Council's enforcement policy.

A person commits an offence if they:

- a) Engage in street trading in a prohibited street.
- b) Engage in street trading in a consent street without first obtaining authorisation from the council.
- c) Contravene a condition imposed on a consent.

Any person guilty of such an offence will be liable, on conviction at a magistrates' court to a fine of up to £1,000.

## 23.0 – Definition

### Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

### News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
  - (i) exceed one metre in length or width or two metres in height;
  - (ii) occupy a ground area exceeding 0.25 square metres; or
  - (iii) stand on the carriageway of a street.

