

# Street Trading

## Applying for Static and Mobile street trading consent

### WHAT IS STREET TRADING?

The legal definition of street trading is the selling or offering/exposing for sale any article including a living thing in the street.

A 'street' is a very wide definition and includes any road, footway, pavement, layby or grass verge as well as any land, including private land, to which the public have access without payment. Stroud District Council has adopted a resolution which designates all 'streets' in the district as needing street trading consent, except 'streets' owned and managed by public authorities and registered charities, with the exception of public highways.

This means street trading consent is not needed for any trading on land owned by Gloucestershire County Council, Stroud District Council and Town and Parish Councils. Street trading consent is also not needed for trading on land owned by registered charities such as Market Trusts, the National Trust, and The Woodland Trust. However, you will need permission from the relevant Council or Charity and you may need to pay them a fee.

Street Trading consent is needed for trading on any public highway or highways land as well as any privately owned land where the general public can enter without paying an entrance fee. This includes superstore car parks, farm fields and a private drive or garden

### TYPES OF CONSENTS

The Council issues four types of street trading consent, as follows:

#### **Static Unit Consent**

Static street trading consents are issued for a stall or vehicle which returns to one place every day or for regular periods of time. The unit or stall must be removed each day at the end of the trading period. A static street trading consent may be granted for any period not exceeding 12 months.

#### **Mobile Unit Consent**

Mobile street trading consents are issued to traders who wish to move from place to place. A mobile consent trader must not remain in one place for more than 30 minutes at a time and not return to the same site within 2 hours. A typical mobile consent would be an ice-cream van.

A mobile street trading consent only permits trading within Stroud District Council's area. If the unit goes into areas outside of Stroud District it will also need consent from the relevant authority. A mobile street trading consent may be granted for any period not exceeding 12 months.

## **Short term Consent**

Short term consents are issued to traders who only want to trade in a particular location for a few days. The consent will normally only be granted for a period between 1 and 7 days. Please see short term consent guidance for more information.

## **Market Consent**

Market street trading consents are issued to markets that **do not** operate under a Market Charter or Order. A market consent will cover a number of stalls. Please see market consent guidance for more information.

### **IS PLANNING PERMISSION REQUIRED?**

A street trading consent is given to units where the unit is removed every day at the end of the trading period.

If a unit is **permanently located** at a site, it is unlikely to require street trading consent but will require planning permission. Units that are removed every day may also require planning permission in addition to street trading consent. This will be dependent on the amount of time and days that the unit is located at the site. Please contact the Planning Section for further advice, you can email them at [planning@stroud.gov.uk](mailto:planning@stroud.gov.uk).

If a unit that holds street trading consent is not removed every day at the end of the trading period and it is considered that the unit is in fact permanently located in one position, then street trading consent may be revoked.

### **HOW TO APPLY**

Applicants are advised to visit Stroud District Council's Street Trading webpage which gives information about what are considered suitable sites. The webpage also has a link to the Council's full street trading Policy <https://www.stroud.gov.uk/business/licensing-permits/street-trading>

In order to apply for a static or mobile consent you must submit the following:

- Application form.
- Notice of Intention (Not required for mobile)
- Proof of eligibility of the applicant to work in the UK (where applicable).
- Plan showing the proposed trading location with position of the unit shown in red. (Not required for mobile units)
- Up to date photograph of the unit.
- Written permission from a landowner if the street trading activity is to be carried out on any land owned privately.
- Payment of a non-refundable consultation fee to cover initial administration and consultation costs.
  - £46 for a mobile consent
  - £174 for a static consent

## WHAT HAPPENS AFTER I HAVE SUBMITTED AN APPLICATION?

Upon receipt of a valid application the Notice of Intention and where relevant the plan and photo of the unit will be sent to other agencies for consultation. The Council will consult with the following:

- Gloucestershire Constabulary.
- Gloucestershire Highways. (Not for mobile consents)
- The relevant Town/Parish Council(s).
- The Stroud District Councillor(s) for the Ward(s) concerned.
- Environmental Health Officers at Stroud District Council.
- The Planning Authority. (Not for mobile consents)
- Where appropriate local residents and businesses within 100 metres of the proposed site.
- Neighbourhood Wardens.

For a static consent the consultees will have up to 28 days from the date that the notice of intention is received to make comment. For a mobile consent the consultees will have 14 days to make comment. The application will also be advertised on the Council's website

## WHAT HAPPENS AFTER CONSULTATION?

Following consultation, if the location/activity is deemed by the Council suitable, the below documents must be submitted before a final decision is made:

- Third party public liability insurance up to £5,000,000.
- A Basic Criminal Disclosure check that is not more than 1 month old for the applicant and any person/s that will be assisting on a regular basis. Basic Criminal Disclosure checks can be obtained from the Disclosure and Barring Service. Information can be found online at: <https://www.gov.uk/request-copy-criminal-record> or by calling 03000 200 190.
- One passport sized photograph of the applicant and any person(s) that will be assisting with the trading on a regular basis.

A decision is then normally made within 14 days for a static consent and 7 days for a mobile consent. Any objections and/or letters of support will be taken into account as well as the suitability of the site and the applicant meeting the criteria set out in the Street Trading Policy.

## WHAT HAPPENS AFTER THE CONSENT IS GRANTED?

Once a decision is made to grant a consent the full consent fee or an agreed first instalment of a payment plan must be paid before the consent will be issued.

On grant of a street trading consent a street trading identification plate will be issued. The plate must be displayed in the relevant unit/vehicle where it can be clearly seen by the public at all times the unit/vehicle is trading. If the plate is lost or damaged, the consent holder must contact the Council as soon as possible.

Annual consents will expire on 31<sup>st</sup> March every year. Where the initial application is made part way through the year the fee for the first year will be pro-rata.

Fees for annual consents may be paid either:

- In full by 1<sup>st</sup> April each year.
- Monthly by direct debit.
- Quarterly.

Quarterly fees will be due on the following dates:

- 1<sup>st</sup> January.

- 1<sup>st</sup> April.
- 1<sup>st</sup> July.
- 1<sup>st</sup> October.

### Register as a food business

You will also need to register as a food business. You can do so using the following link:

<https://www.stroud.gov.uk/business/food-hygiene-and-health-and-safety/register-a-food-business>

### ASSISTANTS/EMPLOYEES ON THE UNIT

Any person who works on the unit without the consent holder being present for more than 14 days a year is considered as assisting with trading on a regular basis.

The Council will require the name, address, date of birth, national insurance number, a basic criminal check (not more than 1 month old) and a photograph of all persons assisting on a regular basis. The basic criminal check must be updated every 3 years.

You will be required to check the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities are likely to have their street trading consent reviewed and/or revoked.

If there any changes or you want to add an assistant, you must inform the Licensing section immediately.

### RENEWAL

A consent will be issued for a maximum of 12 months and can be renewed each year. Applications to renew an existing street trading consent must be made at least 14 days prior to the expiry of the existing consent. A renewal application will be sent to you a month prior to your consent expiring.

The following must be submitted with a renewal application:

- Renewal Application Form
- Renewal Fee
- Copy of current third-party public liability insurance up to £5,000,000

You will also be required to submit the following documents **every 3 years** at renewal:

- A Basic Criminal Disclosure for the consent holder and any persons that assist on a regular basis from the Disclosure and Barring Service that is not more than 1 month old.
- One recently taken passport size photograph of the consent holder and any persons that assist on a regular basis.
- Up to date photograph of the trading unit.

### WHERE CAN I GET MORE HELP AND ADVICE?

Visit the Council's street trading webpage <https://www.stroud.gov.uk/business/licensing-permits/street-trading>

#### Contact the Licensing Section:

The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Glos. GL5 4UB

Email: [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)

Phone: 01453 766321

Web: [www.stroud.gov.uk](http://www.stroud.gov.uk)