

Street Trading Policy

Version 3



Version 1 – 4th December 2017 - Registration and Licensing Committee

Version 2 – 12th February 2018 – Amendments made to para 7.1 & 7.2 & Appendix 1

Version 3 - 4th June 2018 – Amendment made to appendix 3 specific location condition 8.

1.0 **Introduction**

Street trading is the selling or exposing or offering for sale of any article (including a living thing) for sale in a street. Street includes a road, footway, beach or any other area to which the public have access without payment, including private land.

Street trading is regulated under the Local Government (Miscellaneous Provisions) Act 1982, which is an adoptive piece of legislation.

Neath Port Talbot CBC, hereafter referred to as the “Licensing Authority” adopted the street trading provisions on the 1st July 2001 and designated every street as a “consent street”. Effectively, this means that if you wish to engage in street trading within Neath Port Talbot, you will require a street trading consent from the Licensing Authority.

This policy sets out general requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

In developing this policy, the Licensing Authority has consulted with interested parties, existing traders and the general public and has regard to:

- Current legislation
- Neath Port Talbot Corporate Improvement Plan
- Existing Neath Port Talbot CBC policies

2.0 Street trading locations

The Licensing Authority has designated two areas within the County Borough which are referred to as Zone 1 and Zone 2.

Zone 1 relates to the town centres of Neath, Port Talbot and Pontardawe and also includes Aberavon seafront. Zone 2 relates to everywhere else within the County Borough, which will include private land.

A plan showing the extent of the Zone 1 areas is attached at Appendix 1.

2.1 Zone 1

Trading within Zone 1, will generally be restricted to temporary trading which forms part of a specific event. This may include street festivals, markets and fairs.

Applications for a permanent trading location within zone 1 will normally be refused, however the Licensing Authority will consider all applications on their own merits and may provide concessions where the applicant can demonstrate that any proposal will have a positive impact on the surrounding area.

2.2 Zone 2

Trading in Zone 2 will generally be permitted where the applicant can demonstrate that the granting of the consent will not have any adverse impacts on the surrounding area.

Applicants should consider carefully their chosen trading location, paying particular regard to the effect that they may have on the highway, on public safety and in relation to any public nuisance which may be caused.

2.3 Private land

Applicants wishing to trade from private land are required to obtain a street trading consent, if access is permitted to members of the public without payment. Applicants must obtain written permission from the land owner before submitting an application.

3.0 **Street trading methods**

Applicants may wish to put forward various methods by which they intend to trade; this may include trading from a trailer, a motor vehicle, a bike, or a stall (this list is not exhaustive). Whichever means of trading an applicant wishes to use, the applicant will be expected to either, identify a “specific location” or request that the consent be “roaming”.

3.1 Specific location(s)

If an applicant wishes to trade from a specific location(s), the Licensing Authority will impose a condition on any approved street trading consent, detailing the exact location(s) from which trading can take place. The consent will include a detailed plan of the trading location(s) and trading will only be permitted in accordance with it.

3.2 Roaming

If an applicant wishes to trade in a number of different locations, the Licensing Authority will impose a condition on any approved street trading consent, detailing the areas from which trading can take place. The areas can be quite broad e.g. Anywhere in Zone 2, or may be restricted to certain streets or areas; this will depend on the method and type of trade.

Roaming usually takes place from a motor vehicle, e.g. ice cream van, and permits trade to take place from many locations. Where a street trading consent permits roaming, traders will only be able to trade at a location for a short period of time before having to move to another; usually this time period is just a few minutes, but will be generally defined by the amount of trade at the location.

Traders using a street trading consent that permits roaming will not be permitted to trade at a single location for more than 10 minutes.

4.0 **Trading days and times**

4.1 Specific location

Applicants will need to provide details of the days and times during which they wish to trade and these will be imposed as a condition on any approved street trading consent. The Licensing Authority may refuse the application or impose a condition restricting the days and times of trading, where it believes that the requested days and times will have an adverse impact on the surrounding area.

4.2 Roaming

Trading times for street trading consents that permit roaming will normally be restricted to between the hours of 8am and 9pm. Applicants who wish to trade outside of these times will be required to provide suitable reasons for any extension. The Licensing Authority will consider the reasons provided as part of the overall application.

4.3 Schools

The Licensing Authority acknowledges the efforts made by schools to promote healthy eating for their pupils and to discourage fast food vans/ delivery services to sell food to staff or pupils during the school day or immediately before or after the school day. The Licensing Authority also recognises the high volumes of traffic and the potential highway safety issues at schools at the start and end of the school day.

The Licensing Authority therefore will not allow traders with a street trading consent that permits roaming to trade within 200 metres of a school during the school's normal operating hours, or at any other location where the intention is to target children attending or leaving school. A condition reflecting this will be attached as standard to all such consents. Applicants who feel that they should be exempt from this condition can provide reasons during the application process. The Licensing Authority

will consider the reasons provided as part of the overall application.

5.0 **Duration of consents**

Street trading consents will be issued for a maximum period of one year, at which point the consent holder will be invited to apply for renewal.

The Licensing Authority will issue street trading consents of shorter duration where requested by the applicant. The shorter durations will be restricted to:

- 6 months
- 3 months

Applicants should note that the Licensing Authority incurs additional costs when issuing consents of a shorter duration and these costs will be reflected in the application fee.

6.0 **Special events (Festivals, Markets, fairs)**

The Licensing Authority will issue a street trading consent which will be valid for just a few days, where the application relates to a “Special event” i.e. festival, market or fair.

The organiser of the event will need to submit an application for a street trading consent, that will contain details of all the various stalls and traders that will be a part of the event and include all required supporting documentation.

The Licensing Authority will consider applications for locations within both zone 1 and zone 2.

7.0 **Application for a street trading consent**

7.1 **Application process**

A street trading consent can only be issued to an individual who is at least 17 years of age.

All applications for a street trading consent must be made on the prescribed form provided by the Licensing Authority and be accompanied by the required supporting documentation. The required supporting documentation is different depending on whether an application is for a specific location or whether the application is for a consent which permits roaming.

The application process, which provides further details on the required supporting documentation, is set out in **appendix 2**.

7.2 Applicant suitability

All applicants (except for special events) and consent holders are required to submit a basic disclosure for each new application and subsequently every 3 years. A basic disclosure provides details of any unspent convictions that an applicant may have incurred.

The results of this disclosure will assist the Licensing Authority in determining whether the applicant is safe and suitable to hold a street trading consent.

All costs associated with obtaining the basic disclosure check are to be met by the applicant or consent holder.

The disclosure certificate must have been issued less than 3 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

A basic disclosure can be obtained from the Disclosure and Barring Service www.gov.uk/request-copy-criminal-record

7.3 Assistant suitability

An assistant is any person that uses a street trading consent to trade with the knowledge / permission of the consent holder.

A street trading consent permits trading by the consent holder and any person(s) named on the consent as an assistant.

Applicants must specify on the application form, any assistant that may use the street trading consent to trade. Consent holders will be able to make changes to the named assistants by notifying the

Licensing Authority in writing and returning the consent to the Licensing Authority for updating.

An assistant can only trade under the authorisation of a street trading consent, once the Licensing Authority have issued a consent with the assistant named on it.

A basic disclosure is required to be submitted for all named assistants (except for special events) for each new application and subsequently every 3 years.

The results of this disclosure will assist the Licensing Authority in determining whether the assistant is safe and suitable to be named on a street trading consent.

All costs associated with obtaining the basic disclosure check are to be met by the applicant or assistant.

7.4 **Plans**

Applications for a street trading consent for a specific location(s) must be accompanied by a scale plan which clearly identifies the proposed trading location(s).

The Licensing Authority will attach a plan of the location(s) to any approved street trading consent and a condition will be attached to the consent to ensure that trading is carried out in accordance with the plan.

7.5 **Consultation**

Once an application is submitted, the Licensing Authority will carry out a consultation exercise with various internal and external agencies in order to assess the suitability of the applications. These agencies will be invited to submit comments in respect of the application, which the Licensing Authority will take into consideration when determining the application.

The following is a list of consultees that will generally be involved in the consultation process, this list is not exhaustive and the

Licensing Authority may consult with any other person it considers appropriate.

South Wales Police
Mid and West Wales Fire and Rescue Services
NPTCBC Highways
NPTCBC Planning
NPTCBC Environmental Health
NPTCBC Estates
Local Ward Member(s)

7.6 **Insurance**

Public liability insurance covering the trader to the sum of £5 million pounds is required and will need to be produced prior to a street trading consent being issued.

The Licensing Authority recognises that traders involved in special events are often non-commercial business or a charity, in these instances the Licensing Authority may consider accepting public liability insurance to the sum of £1 million pounds, but this will depend on the type of trade involved.

7.7 **Other supporting documentation**

Applications for a street trading consent which permit roaming, will be required to submit additional documentation where applicable.

This will include:

- Ministry of Transport test certificate (M.O.T) which is valid on the 1st day the consent is issued.
- Motor insurance which covers the vehicle for business use and which is valid on the 1st day the consent is issued.
- Vehicle Registration Document (V5) for the vehicle to be used for trading.

7.8 **Food business registration**

All applications for a street trading consent which include the sale of food will require a food business registration with Environmental Health. The Licensing Authority will notify the Environmental Health Department on receipt of such an application, who will contact you directly to arrange an inspection.

More information on registering as a food business in Neath Port Talbot is available at www.npt.gov.uk

7.9 **Planning**

Street trading consents that specify a specific location(s) will usually require planning consent. The planning and licensing regimes are separate regulatory functions and applicants will need to satisfy both sets of requirements before you are legally able to trade. Applicants are therefore encouraged to contact the Council's Planning Department at the earliest opportunity.

You should note that, even if a street trading consent is issued by the Licensing Authority, this does not automatically mean that planning permission would be granted (especially if your chosen location is outside of a defined settlement limit). Failure to obtain the required planning permission could lead to formal enforcement action being taken by the Local Planning Authority.

Street trading consents that permit roaming do not usually require planning consent.

8.0 **Conditions**

8.1 The Licensing Authority will attach standard conditions to any approved street trading consent. There are separate sets of conditions depending on whether the street trading consent is for a "specific location" or one that permits "roaming". The standard conditions are set out in Appendix 3.

8.2 In addition to the standard conditions, the Licensing Authority may attach specific conditions to any approved consent where it is deemed appropriate to do so.

9.0 **Sky Lanterns**

The Council has adopted a policy in relation to sky lanterns, which prohibits the sale of sky lanterns by anyone trading under the authorisation of a street trading consent. A condition prohibiting the sale of sky lanterns will therefore be attached to all street trading consents.

10.0 **Fees**

The Licensing Authority will set fees for consents at a level that will recover the full costs incurred by the Council for issue, administration, compliance and where permitted enforcement.

10.1 **Review of fees**

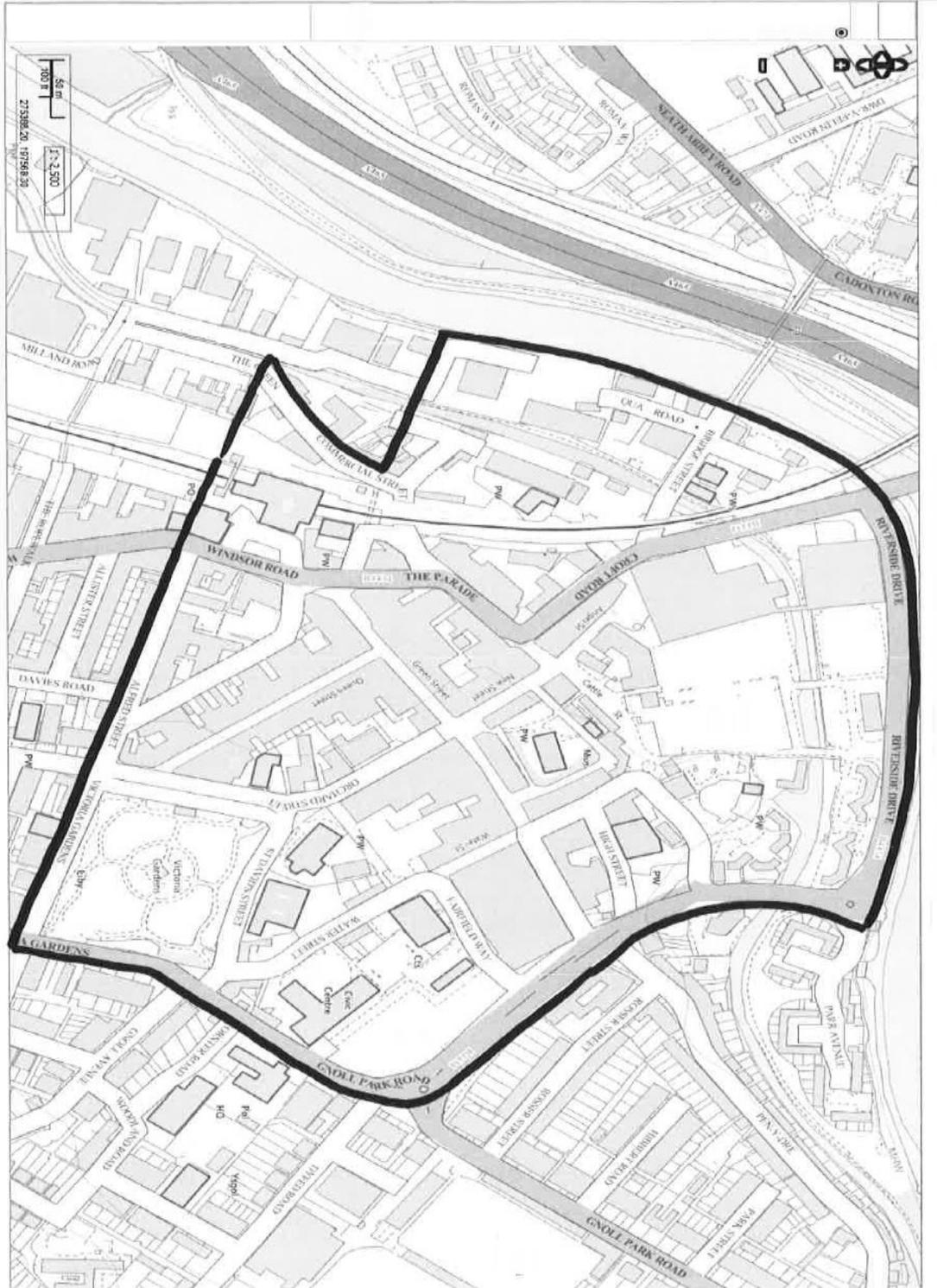
Generally, the fees will be reviewed annually between January and March for implementation on 1 April following the review. However, the Licensing Authority reserves the right to review the fees at any time

A list of current fees is available from the Licensing Section or at www.npt.gov.uk/licensing

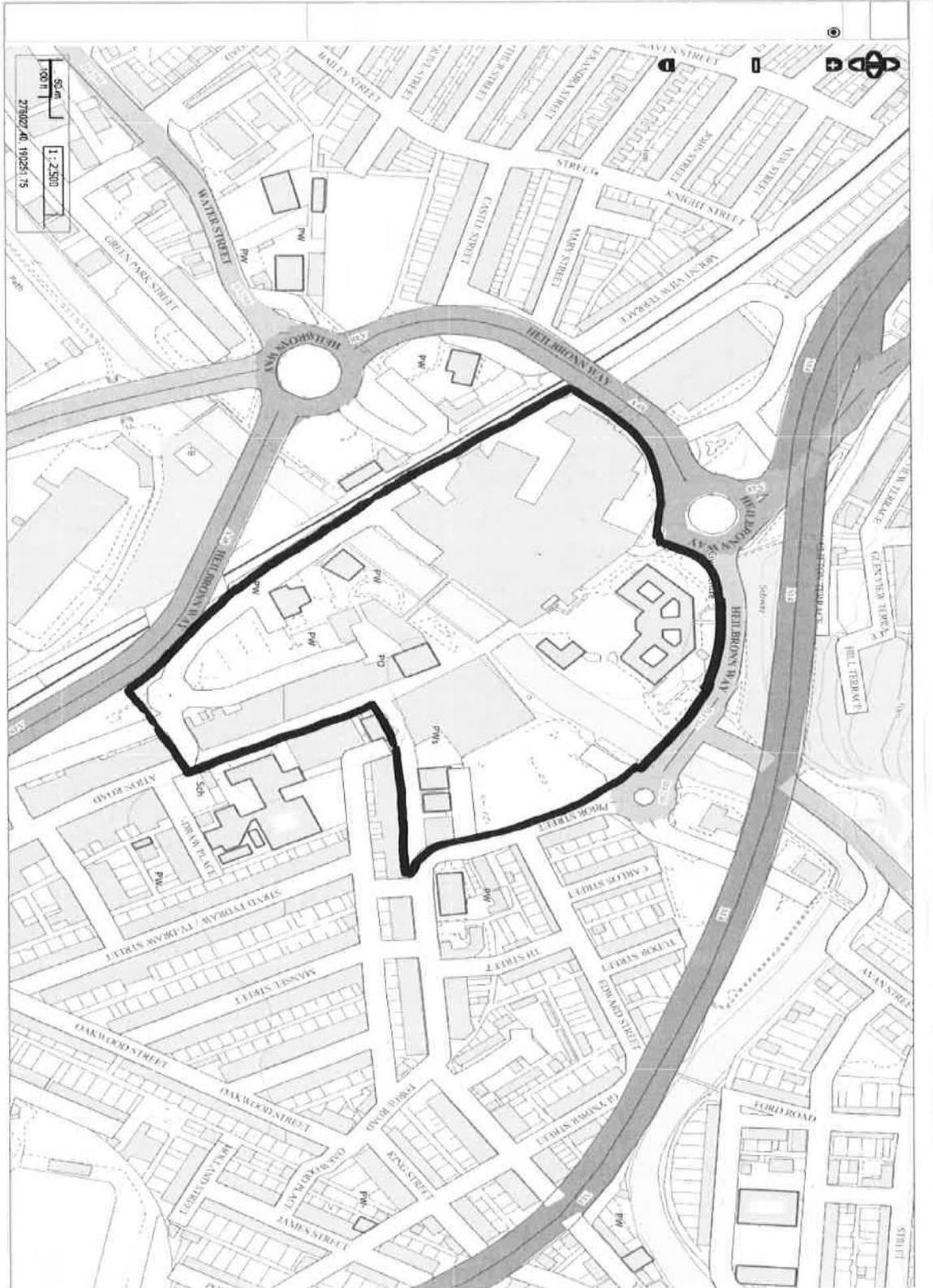
Appendix 1

Zone 1 Plans

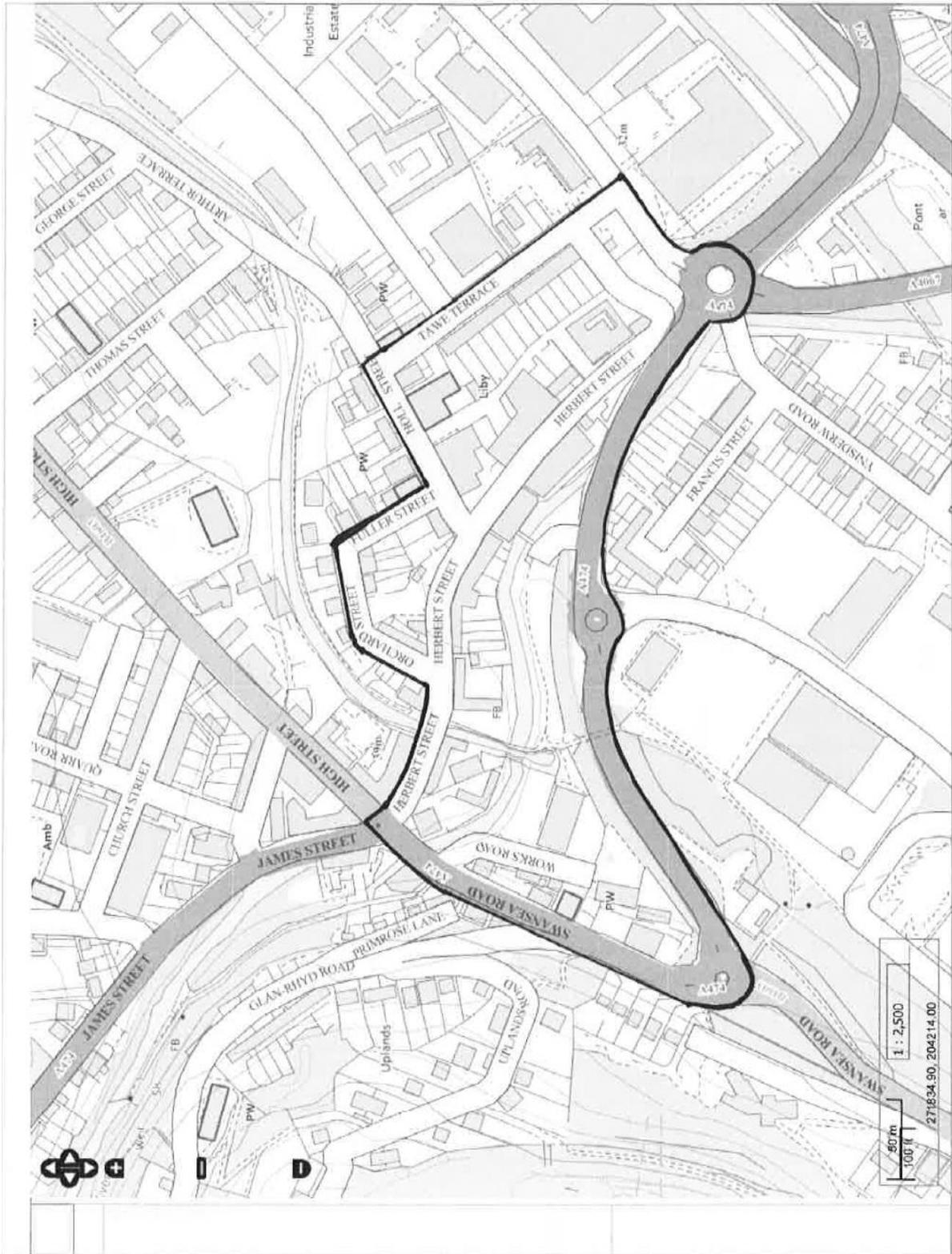
Neath Town Centre



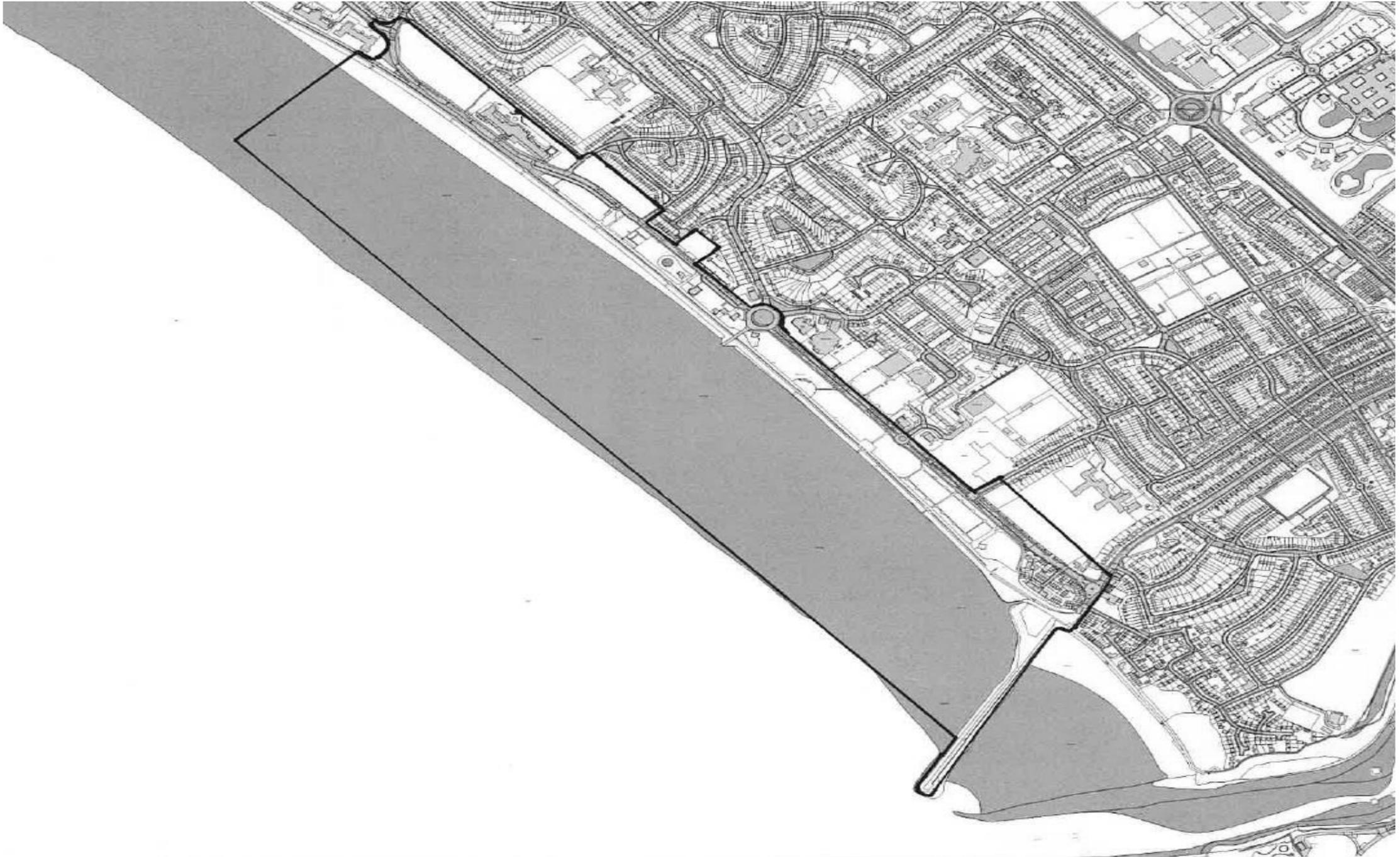
Port Talbot Town Centre



Pontardawe Town Centre



Aberavon Seafront



Appendix 2

Street Trading Consent Application Procedure for Grant

Street Trading application pack

An application pack can be obtained from the Licensing Section, Civic Centre, Port Talbot SA13 1PJ Tel No: 01639 763050 email: licensing@npt.gov.uk or you can apply online at www.npt.gov.uk/licensing

These notes are provided to assist you in completing your application. If you require any assistance or information please contact the Licensing Section on the number above.

A list of current fees is available from the Licensing Section or alternatively on our website www.npt.gov.uk/licensing

STAGE 1 – Completing your application

The Application Form

- You must complete the application form ensuring that all questions are completed.
- Please ensure that the both the application declaration and planning declaration are signed

Supporting Documents

- Vehicle documents – Where you intend to trade from a motor vehicle, you will be required to provide the following documents: -
 - A valid Ministry of Transport Certificate (M.O.T)
 - Registration (V5) Logbook
 - A valid Motor Insurance policy
- Public Liability insurance
 - All traders require public liability insurance to the sum of £5 Million Pounds

- Plan – Where your application relates to a specific location, you will be required to provide a plan, which clearly identifies the location from which you wish to trade.
- Land owner permission – Where your application relates to private land, your application must be accompanied by a written letter of permission, signed by the land owner.

STAGE 2 – Consultation

Specific Location

Once you have submitted your application and supporting documents, the Licensing Authority will carry out consultation with various agencies, to determine the suitability of the location you have chosen to trade from.

The consultation period will last up to 4 weeks and the Licensing Authority will contact you to discuss any objections, once this period has elapsed.

If you haven't already done so, you should contact the planning department to establish whether planning permission is required. The planning and licensing regimes are separate regulatory functions and applicants will need to satisfy both sets of requirements before you are legally able to trade.

Roaming

Once you have submitted your application and supporting documents, the Licensing Authority will send a copy of your application to the Council's Environmental Health Department (food business only). The Licensing Authority will contact you once a response has been received from the Environmental Health Department.

STAGE 3 – Applicant and assistant suitability

Applicants and any assistants specified within the application form are required to submit a basic disclosure. A basic disclosure can be obtained from the Disclosure and Barring Service www.gov.uk/request-copy-criminal-record

For applications where roaming is permitted, applicants may wish to apply for a basic disclosure earlier in the process to prevent delays. You should discuss this with the Licensing Authority on submission of your application.

The basic disclosure certificate will be sent to your / the assistants home address. You must submit the original copy of the certificate to the Licensing Authority.

STAGE 4 – Determination of application

- If there are objections to your application or if there are any convictions showing on your basic disclosure then your application may need to be considered by the Registration and Licensing Committee. You will be advised of this and notified in writing of the date and time of a hearing. It is likely that you will be invited to attend the hearing.
- The decision of the Registration & Licensing Committee is final and there is no right of appeal.

STAGE 5 – Issue of consent

- If your application is approved, confirmation will be sent to you in writing.
- You will need to pay the relevant fee for grant of the consent

Appendix 3

Street Trading Consents Conditions

Specific Location

- 1 For the purpose of these conditions “street” and “street trading” have the meanings ascribed to them by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2 Only persons named on the street trading consent are permitted to trade under the authorisation of the consent.
- 3 Trading shall only take place from the location identified on the plan attached to the consent.
- 4 The consent cannot be transferred, assigned or sub-let in any form. The consent will cease on the death, bankruptcy or insolvency of the consent holder.
- 5 The consent holder or assistant shall not use any vehicle stall, stand, container or any other article other than that specifically approved by the consent.
- 6 The consent holder or assistant shall not exercise any trade other than that specified in the consent and must take an active part in the running of the business and not delegate the management to any person.
- 7 The street trading consent shall be displayed in a prominent position at the trading position during trading hours and the consent holder or assistant shall produce the same on request to an authorised officer of Neath Port Talbot County Borough Council or a police officer.
- 8 Zone 1 consents in respect of Neath Town Centre will not be operative during the period of the Neath September trading fair, the Neath Food and Drink Festival and the Neath Christmas Festival.

- 9 All consent holders shall maintain public liability insurance in the sum of five million pounds.
- 10 The consent holder or assistant shall not personally approach any member of the public whilst trading.
- 11 The consent holder or assistant shall vacate the trading location in the event of an emergency at the request of a police officer, fire officer, ambulance officer or a Council officer.
- 12 The consent holder or assistant shall not deposit anything on the street which is a hazard to persons or traffic or premises.
- 13 The consent holder or assistant shall ensure that each vehicle, stall, container, or other article used for trading shall be kept in a clean and tidy condition.
- 14 The consent holder or assistant shall provide a suitable litter bin during the trading period.
- 15 The consent holder or assistant shall ensure that the trading position is kept clean and free of refuse, litter or other waste material during the hours of trading, and all waste, refuse and litter is removed from the site on cessation of trading.
- 16 The consent holder or assistant shall not use microphones and / or loud speakers unless the written approval of the Licensing Authority has been obtained.
- 17 All stalls and vehicles shall be provided with adequate and appropriate fire extinguishers which shall be regularly serviced and certified accordingly.
- 18 Tent materials, including linings must be either of inherently flame retardant material, or be treated with a suitable flame retardant compound.
- 19 Cooking and heating appliances shall be positioned well clear of tent walls and roofs. Where bottled gas is to be used, the cylinders must stand outside the tent and must be

handled and changed only by persons fully conversant with the supplier's instructions.

- 20 The use of oil burning appliances for lighting, heating or cooking is prohibited. No naked flame apparatus should be used for lighting or heating (including candles) or be generally available in areas to which the public have access.
- 21 The consent holder or assistant shall not cause any obstruction of the street or nuisance or danger to persons using it.
- 22 Where the consent holder or assistant trades from a stationary vehicle, that vehicle shall in all respects comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
- 23 The consent holder or assistant shall retain with the vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading and then remove it and dispose of it safely and legally elsewhere. In particular the consent holder or assistant shall not deposit any such waste near or into any street, drain or channel.
- 24 Sky Lanterns, kongming lanterns or Chinese Lanterns are not permitted to be sold under this street trading consent.
- 25 The street trading consent may be revoked by the Licensing Authority at any time and the Licensing Authority shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 26 The Licensing Authority may vary, amend or add to the conditions of this Consent at any time.

Roaming

- 1 For the purpose of these conditions "street" and "street trading" have the meanings ascribed to them by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

- 2 Only persons named on the street trading consent are permitted to trade under the authorisation of the consent.
- 3 During normal school operating hours, the consent holder or assistant shall not trade within 200 metres of a school or at any other location where the intention is to target children attending or leaving school.
- 4 The consent holder or assistant shall not park a vehicle in a location which causes obstruction to the highway, pedestrian walkways or road divider.
- 5 The consent holder or assistant shall not park a vehicle in a location which causes obstruction to or impedes the free access or egress of emergency vehicles.
- 6 The consent holder or assistant shall not park a vehicle in a location which causes obstruction or interferes with the use of fire hydrants.
- 7 The consent holder or assistant shall not park a vehicle in a location which causes obstruction to the entrance or exit of any premises.
- 8 The consent cannot be transferred, assigned or sub-let in any form. The consent will cease on the death, bankruptcy or insolvency of the consent holder.
- 9 The consent holder or assistant shall not use any vehicle stall, stand, container or any other article other than that specifically approved by the consent.
- 10 The consent holder or assistant shall not exercise any trade other than that specified in the consent and must take an active part in the running of the business and not delegate the management to any person.
- 11 The street trading consent shall be displayed in a prominent position on the trading vehicle during trading hours and the consent holder or assistant shall produce the same on request to an authorised officer of Neath Port Talbot County Borough Council or a police officer.

- 12 All consent holders shall maintain public liability insurance in the sum of five million pounds.
- 13 The consent holder or assistant shall not personally approach any member of the public whilst trading.
- 14 The consent holder or assistant shall vacate the trading location in the event of an emergency at the request of a police officer, fire officer, ambulance officer or a Council officer.
- 15 The consent holder or assistant shall not deposit anything on the street which is a hazard to persons or traffic or premises.
- 16 The consent holder or assistant shall ensure that each vehicle, stall, container, or other article used for trading shall be kept in a clean and tidy condition.
- 17 The consent holder or assistant shall provide a suitable litter bin during the trading period.
- 18 The consent holder or assistant shall ensure that the trading position is kept clean and free of refuse, litter or other waste material during the hours of trading, and all waste, refuse and litter is removed from the site on cessation of trading.
- 19 The consent holder or assistant shall not use microphones and / or loud speakers unless the written approval of the Licensing Authority has been obtained.
- 20 All vehicles shall be provided with adequate and appropriate fire extinguishers which shall be regularly serviced and certified accordingly.
- 21 The use of oil burning appliances for lighting, heating or cooking is prohibited. No naked flame apparatus should be used for lighting or heating (including candles) or be generally available in areas to which the public have access.
- 22 The consent holder or assistant shall not cause any obstruction of the street or nuisance or danger to persons using it.

- 23 Where the consent holder or assistant trades from a vehicle, that vehicle shall in all respects comply with the Motor Vehicle Construction and Use Regulations.
- 24 The consent holder or assistant shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading and then remove it and dispose of it safely and legally elsewhere. In particular the consent holder or assistant shall not deposit any such waste near or into any street, drain or channel.
- 25 Sky Lanterns, kongming lanterns or Chinese Lanterns are not permitted to be sold under this street trading consent.
- 26 The street trading consent may be revoked by the Licensing Authority at any time and the Licensing Authority shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 27 The Licensing Authority may vary, amend or add to the conditions of this Consent at any time.