Street Trading in Wyre Forest District

Guidance Notes and Application Form

Wyre Forest District Council, Wyre Forest House, Kidderminster, DY11 7WF

# Guidance on street trading in Wyre Forest

## What is a Street Trader?

 A Street Trader is someone who:-

i. Trades on any road, footways, highways, and other adjacent areas to which the public have access without payment. Traders must obtain land owners’ permission when trading on private land.

ii. Sells or exposes or offers for sale any article, whether food or non-food, including a living thing, whether with or without a stall or vehicle.

iii. Trades from a fixed location.

## Does the Control apply to all Traders?

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

i. Trading as a pedlar with a valid Pedlar’s certificate issued under the Pedlars Act 1871. A pedlar is a person who travels and trades on foot and goes from town to town or from house to house carrying goods to sell. A pedlar cannot trade from a fixed spot. Pedlar’s certificates are obtained from any main Police Station. Further guidance on pedlars is available from the Council.

ii. A roundsman, who is a person who delivers orders to the customer’s door. This is a trader who calls by prior arrangement with the customer and sells at the customer’s premises. Ice cream sellers or mobile food sellers are not deemed to be “roundsmen” and require a licence to trade in the street.

iii. News vendors selling only newspapers and periodicals, unless the stall exceeds one metre in length or width, or two metres in height.

iv. Trading from the forecourt of a petrol filling station.

v. Trading from a stall outside a shop as an extension of that business.

## How is Street Trading Controlled in Wyre Forest?

Wyre Forest District Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can effectively control street trading.

i. All streets within Wyre Forest have been designated as consented streets apart from those specifically prohibited (see Appendix A of the Council’s Street Trading Policy).

ii. This means that it is an offence to trade without a Consent in any street, road, footway, highway, or adjacent area to which the public have access without payment, other than those prohibited where no trading at all can take place.

iii. Trading without consent may result in prosecution.

iv. If a trader has been granted a consent the Council has the right to vary or revoke the Consent at any time if the trader fails to comply with the conditions attached to the Consent.

v. If you wish to trade outside of the Wyre Forest District you should contact the appropriate District Council for that area. Please note that different Councils may have different procedures and rules regarding street trading.

vi. If you wish to trade within the Wyre Forest area an application should be made to the Wyre Forest District Council, Licensing Section, Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF.

## How do I Apply for a Consent?

i. Complete the appropriate application form – for a “static trader” if you wish to trade from a pitch, or for a “mobile” trader if you sell from street to street.

ii. Attach to the application form the required documents, as listed on the application form.

iii. Post or bring to the Council Offices at Wyre Forest House the completed application form, and original copies of any supporting documents (these will be copied and returned to you).

## What Are the Fees Payable for a Consent?

i. Fees are payable for each unit or site.

ii. Fees may be payable in instalments, by agreement with the Council.

iii. Fees are reviewed annually and are applicable from 1st April each year.

iv. Current fees will be published on the Council’s website or are available on request.

## How Long Does a Consent Last for?

i. A Consent can be issued for any period up to a maximum of 12 months but will expire on 31st March next, unless surrendered earlier.

ii. Renewals will take place on receipt of a completed renewal application form and payment of the appropriate fee.

## Are Consents Transferable?

i. No, they are not.

ii. The Consent holder is entitled to a refund of part of the fee paid if the Consent is surrendered part way through the year.

iii. Refunds may be made on a pro rata basis, subject to an administration charge of £25.

iv. If you do not renew the Consent on the expiry site or surrender it before then, then any other person will be able to apply to trade from the same site.

## What are the Responsibilities of a person granted consent?

Such a person is responsible for ensuring that:-

i. The consent conditions are complied with.

ii. All relevant certificates are produced to the Council with any application for a Consent.

iii. The vehicle or stall is registered with the Council if selling food of any description.

iv. The Council will not be held responsible for any acts or omissions arising from the grant of a Consent.

v. Where trading is on private land, to which the public has access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council

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

i. No - It only permits trading within the terms of the Consent as specified. The Consent does not override any parking restriction or other traffic regulation.

ii. The Consent to trade does not imply approval from any other person or authority.

## Consideration and Determination of your Application

i. When received by the Licensing Section your application form will be checked. Provided there are no queries arising from the application form, your application will be acknowledged in writing within 5 working days of receipt. If there is a query then you will be contacted in writing and/or by telephone and given the opportunity to respond.

ii. The complete application form will be copied for comment to various parties. Usually these are the Police, Worcestershire County Council Highways Partnership Unit Manager, Ward Councillors, the Parish or Town Council, Economic Regeneration & Tourism Manager, Development Control Manager, Operational Services Manager and local businesses within the vicinity of the proposed site of operation.

iii. We aim to complete this process within 20 working days.

iv. If queries are raised at this stage then you will be contacted in writing and/or by telephone and given the opportunity to address them.

v. Having received all comments/recommendations and taking into account the Council’s adopted Street Trading Policy, the Head of Planning, Health & Environment or one of his nominated officers, under the Council’s Scheme of Delegation, may then determine applications where there are no objections and where the application is to be granted. Where your application cannot be granted, or where objections are received, your application will be referred to the Council’s Licensing & Environmental Committee for consideration and determination.

vi. You will be informed in writing of the recommendation to the Licensing & Environmental Committee and the date of the meeting to which you will also be invited to attend.

vii. If your application is granted, you will be requested to pay the fee. The Consent will be issued upon payment of the fee, together with a copy of the Standard Conditions applicable to street trading Consents plus any Special Conditions deemed necessary by the Council.

viii. If the Committee refuses your application you will be notified in writing of the reasons for refusal.

ix. There is no right of appeal in the case of refusals or against the application of conditions.

## Is there an Independent Body which represents Street Traders?

There is a body which offers advice on all aspects of outside catering. This body is called NCASS (The Nationwide Caterers’ Association) and is located at:-

180 Britannic Gardens

Lifford Lane

Birmingham

B30 3NU

Tel 0121 603 2524

Website <https://www.ncass.org.uk/>

STREET TRADING - POLICY STATEMENT

## UNDERLYING PRINCIPLES

1. Street Trading is regarded as an acceptable activity in Wyre Forest within the consented areas (Appendix A), provided that it is located where it can make a positive contribution to add interest, vibrancy, and diversity to the area and does not give rise to problems associated with Crime and Disorder.

2. The Council is the responsible authority for granting Street Trading Consents in Wyre Forest and will ensure that traders operate in accordance with conditions attached to such Consents (Appendix B).

3. The Council accepts that Wyre Forest comprises distinct areas with differing historic and commercial characters, and varying streetscape qualities, which should be individually developed and promoted, and therefore the Council has identified suitable locations (consented areas) for street trading in consultation with the Police, and other consultees.

4. The Crime and Disorder Act (1998) stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any Street Trading Consent the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the Consent and will give significant weight to the views of the Police and Community Safety Officer.

5. The Council may issue a Consent for up to one year or a lesser period where appropriate if the trading activity is seasonal or of a temporary nature.

6. Applications will only be considered where an applicant has completed an application form and will not be granted unless an applicant has paid the appropriate Consent fee.

7. Applications for a Street Trading Consent will be considered and determined under the Council’s Scheme of Delegation by the Head of Planning Health and Environment, or otherwise by the Council’s Licensing & Environmental Committee.

8. Where more than one trader applies for a Consent to trade from an approved site, the applications will be referred to the Council’s Licensing & Environmental Committee.

## CRITERIA FOR CONSIDERING APPLICATIONS FOR STREET TRADING CONSENTS

When considering an application for a Street Trading Consent, the Council will take into account the following matters when reaching its decision:

1. Responses from Consultees and other interested parties.

2. The proposed siting and design of the street trading vehicle and whether it enhances the vitality of the shopping area within the immediate vicinity.

3. Any potential obstruction to the free flow of pedestrians or of vehicles in the street, with special regard for the visually impaired.

4. Road safety, either arising from the siting of the street trading vehicle or as a result of customer visiting or leaving the site, including existing traffic orders and waiting restrictions.

5. The nature of the proposed goods to be traded and whether this will create conflict with the trade of adjacent, established shops.

6. Whether the proposed siting of the street trading vehicle obstructs the frontage of adjacent established shops.

7. The numbers, distribution and location of existing street trading consents.

8. The likelihood of excessive noise, odour and litter being generated.

9. Whether the proposal would conflict with any other policies of the Council.

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| **CONSENTED STREETS** | **PROHIBITED STREETS** |
| ALL STREETS WITHIN WYRE FOREST DISTRICT EXCEPT THOSE DESIGNATED AS PROHIBITED STREETS | BEWDLEY TOWN CENTRESevern Side NorthSevern Side SouthLax LaneHigh StreetDog LaneKIDDERMINSTER TOWN CENTREPitts LaneCrown Lane (formerly the rear service road to Vicar Street)Orchard Street Church Street Blackwell Street (between the Ring Road and Coventry Street) Coventry Street (between Blackwell Street and the Inner Ring Road)Lion Street Lion Square Worcester Street rear service road (referred to as Prospect Terrace)Prospect HillProspect LaneNew RoadGreen Street Dixon Street Castle RoadIsland DrivePump Street Tram Street Corporation Street Exchange Street Rowland Hill Centre service roadBromsgrove Street Callows LaneBridge Street Waterloo Street The length of Mill Street, Kidderminster Commencing at its junction with St Mary’s Ringway and terminating at its junction with Pitts Lane.STOURPORT-ON-SEVERN TOWN CENTRENo Street Trading |

# WYRE FOREST DISTRICT COUNCIL

## LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982STREET TRADING - STANDARD CONDITIONS

1. Wyre Forest District Council (“the Council”), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) have resolved that Schedule 4 to the Act, to control street trading in the district should come into force from 1982.

2. The Council has resolved that every street within the area of the district of Wyre Forest is to be designated as a Consent Street” under the Act, ( except those shown at Appendix One and nominated as Prohibited Streets ) which means a street in which street trading is prohibited without a Consent issued by the Council.

3. A street trading Consent is issued by the Council subject to the following conditions, insofar as they do not conflict with or are amended by any specific conditions imposed on the grant of the Consent:-

(a) The Consent is valid for the period shown on the Consent

(b) The Consentee shall pay a fee to the Council in accordance with the approved list of fees.

(c) The Consent may be surrendered by the Consentee at any time, providing that the Council shall repay to the Consentee that part of the fee considered by the Council appropriate for the unexpired period of the licence, less £25 for administrative expenses, the exception being the day rate.

(d) The Consent holder must at all times while trading display in a conspicuous position the Consent issued by the Council.

(e) The Consentee shall not carry on his/her trade in such a way as to cause obstruction of any part of the street in which he/she is trading, or danger to persons using the street.

(f) The Consentee shall not carry on his/her trade in such a way as to cause a nuisance or annoyance to persons using the street or to occupiers in the vicinity.

(g) The Consentee shall not sell any type of food, goods or merchandise other than that specified in the Licence.

(h) The Consentee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. The Consentee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.

(i) The Consentee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.

(j) The Consentee shall not use any television, tape recorder or other device for the reproduction of sound while trading without the express permission of the Council.

(k) The Consentee shall not trade outside the times and days permitted by the Consent

(l) The Consentee shall not trade in any location other than the location permitted by the Consent

(m) Any vehicle, stall or container used by the Consentee in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.

(n) The use and storage of liquid petroleum gas shall comply with the Code of Practice or requirements of the Fire Officer.

(o) The Consent shall not operate for any other purpose than to permit the Consentee to trade in a Consent street in accordance with the conditions imposed. The Consentee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.

(p) The Consentee must be 18 years of age or over and shall be responsible at all times for control of the stall. Any persons assisting on the stall shall be 18 years of age or over.

(q) The Consent is personal to the Consent holder and shall not be assigned or transferred to any other person or company.

(r) The Consent holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.

(s) Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

(t) The Consent holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.

(u) Nothing contained in these conditions shall relieve or excuse the Licence holder or his/her employee or agent from any legal duty or liability and the Consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.

(v) The conditions attached to the Consent may be varied by the Council at any time.

(w) Any breach of these conditions may lead to the Consent being suspended or revoked.

(x) In these conditions “the Consent” means a Consent issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Consentee means the person named on the Consent issued by the Council and includes any employee, servant or agent of the licence holder and “the Council” means Wyre Forest District Council.

# Food and Safety Requirements for Food Traders

## The Food Hygiene (England) Regulations 2006

As a food business operator you must put in place a document a Food Safety Management System. The Food Standards Agency have produced a catering pack Safer Food Better Business SFBB to assist you. You can download this on line from [www.food.gov.uk](http://www.food.gov.uk/).

All food businesses need to be registered with the Local Authority. You can register on line at [www.gov.uk/food-businessregistration](http://www.gov.uk/food-businessregistration)

Or alternatively contact the Food Team on 01905 822799.

The mobile unit must be in good condition, be able to be kept clean and have suitable storage facilities.

The Unit must have an adequate supply of hot and/or cold potable water. The unit must be fitted with a wash hand basin which is solely for food handlers to wash their hands. It must be provided with soap and paper towels or a clean hand towel.

All food handlers must wear suitable, clean protective clothing.

All food handlers must have sufficient training commensurate with their duties. Go to [www.food.gov.uk](http://www.food.gov.uk).  The FSA offers free allergen training and there are numerous on line providers of Basic Food Hygiene L2 which is recommended level for general food handlers.

All high risk food should be kept stored below 8ºC or above 63ºC during hot holding.

## Health and Safety

All gas bottled must be caged to prevent tampering there should be the proper connectors with flash back arrestors. All LPG Installations should be installed and checked by a competent person who is corgi registered.

All electrical equipment must be suitably protected from mechanical, physical damage and adverse weather. Generators must be checked by a competent person. They should be enclosed and segregated from the public with adequate warning sign.

## Advice to Mobile Ice Cream Traders

Under the provisions of the Control of Pollution Act 1971:

 it is an offence to sound your chimes before 12 noon or after 7.00 p.m.

 it is an offence to sound your chimes at anytime in a way which gives reasonable cause for annoyance.

A mobile ice cream trader may sound chimes, but not:-

 for longer than 4 seconds at a time

 more often than once every 3 minutes

 when the vehicle is stationary

 when in sight of another vehicle which is trading

 when within 50 metres of schools (during School Hours), hospitals and places of worship (On Sundays and other recognised days of Worship)

 more often than once every 2 hours in the same length of street

 with the volume too loud, i.e. more than 80db(A)

**APPLICATION FOR A STREET TRADING CONSENT**

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| --- |
| Type of Application |
| Grant of a new Street Trading Consent 🞏 Renewal of an existing Street Trading Consent 🞏  |
| Static (from a single site) 🞏 Mobile (moving from one site to another) 🞏 |

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| --- |
| Applicant Details |
| Name: |
| Address: |
| Telephone Number: |
| Email: |
| I am registered as a Food Business OperatorYes 🞏 Name of registering Council: No 🞏  |

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| --- |
| When you want to trade |
| Hours (indicate the start and end of the hours you wish to trade): |
| Days (indicate the days of the week you wish to trade): |

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| --- |
| What you want to trade |
| Describe the articles you intend to sell |

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| Where you want to trade |
| Describe the location you wish to trade from. If this is a single site, you should include a map or plan of the site indicating the location. If you are applying for a mobile consent, you should indicate the streets and/or areas where you wish to operate. |

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| Details of your vehicle, stall and/or container |
| Describe the unit you will be using, including any registration number where appropriate, and its dimensions |
| The vehicle is kept at the following address when not trading: |

|  |  |
| --- | --- |
| I have enclosed the following documents | Please tick ✓ |
| (a) A colour photograph of the vehicle or unit |  |
| (b) Food Hygiene Training Certificates (for food retailers) |  |
| (c) Certificate of Inspection for Fire Extinguishers |  |
| (d) Certificate to show electrical installations have been tested and are safe |  |
| (e) Proof of Public Liability Insurance to 5 million pounds |  |
| (f) Consent fee (Cheque payable to Wyre Forest District Council ) |  |
| I understand that any vehicle should be inspected prior to the start of trading.I am aware of the provisions of The Local Government (Miscellaneous Provisions) Act 1982 concerning street trading. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.I understand that the Council is under a duty to protect the public funds it administers and to this end may use the information I have provided on this form within this Council for the prevention and detection of fraud. It may also share this information with other bodies administering public funds, solely for these purposes. |
| SIGNATURE |  | DATE |  |

Please return to

Licensing Section, Wyre Forest House, Wyre Forest District Council, Finepoint Way, Kidderminster, DY11 7WF

Telephone 01905 822799