

Borough Council of Wellingborough

Street Trading Policy & Conditions

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Table of Contents

Section 1 – Street Trading Policy	4
1.1 Policy Intentions	4
1.2 Definitions & Case Law	5
1.3 Market	6
1.4 Exempted Areas	6
1.5 Exempted Activities	7
1.6 Street Trading Consents for which no fees are payable	8
1.7 Types of Consent	9
1.8 Events	9
1.9 Fees	10
1.10 General	11
<u>1.11 Renewal</u>	<u>11</u>
<u>Section 3 - Submission of application and licence fee</u>	<u>13</u>
<u>Section 4 - Consultations on applications</u>	<u>14</u>
<u>Section 5 - Site Assessment</u>	<u>15</u>
<u>Section 6 - Inspection of the Street Trading Unit</u>	<u>15</u>
<u>Section 7 - Objections to Applications</u>	<u>16</u>
<u>Section 8 - Determination of Applications</u>	<u>17</u>
8.1 Public Safety	17
8.2 Public Order	17
8.3 Avoidance of Nuisance	17
8.4 Needs of the Area	17
8.5 Appearance of the Stall, Vehicle or Unit	17
8.6 Environmental Credentials	17
8.7 Compliance with legal requirements	17
8.8 Consultees Observations	17
8.9 Permitted Trading Hours	18
8.10 Officer decisions on applications	18
<u>Section 9 - Approval of Applications</u>	<u>18</u>
<u>Section 10 - Issue of Street Trading Consents</u>	<u>18</u>
<u>Section 11 - Consideration of applications by the Licensing Sub-Committee</u>	<u>19</u>
<u>Section 12 - Refusal of Applications</u>	<u>21</u>
<u>Section 13 – Renewal of Street Trading Consents</u>	<u>21</u>
<u>Section 14 - Enforcement of Street Trading</u>	<u>21</u>
<u>Section 15 – Permanent Consent Pitches</u>	<u>22</u>
<u>Section 16 – Market Policy</u>	<u>22</u>
<u>Appendix 1 – Standard Conditions for Static Consent</u>	<u>23</u>
<u>(Borough wide except Market Street and Orient Plaza)</u>	<u>23</u>
<u>Appendix 2 – Standard Conditions for Static Consent</u>	<u>27</u>

<u>(Market Street and Orient Plaza only).....</u>	<u>27</u>
<u>Appendix 3 – Standard Conditions for Peripatetic Consent.....</u>	<u>31</u>
<u>Appendix 4 – Map of Permanently Designated Static Consent Pitches</u>	<u>35</u>
<u>(Borough wide except Market Street and Orient Plaza).....</u>	<u>35</u>
<u>Appendix 5 – Map of Permanently Designated Static Consent Pitches</u>	<u>36</u>
<u>(Market Street and Orient Plaza – currently subject to renegotiation with NCC) . Error! Bookmark not defined.</u>	
<u>Appendix 6 – Street Trading Consent Application Form.....</u>	<u>37</u>
<u>Appendix 7 Notice of Intention to Apply for Street Trading Consent</u>	<u>39</u>

Section 1 – Street Trading Policy

1.1 Policy Intentions

These street trading restrictions are intended to apply across the whole Borough, and as such, apply to existing and all new developments.

These restrictions will apply equally to privately owned land to which the public have access without payment, as determined in the High Court Ruling in the case of *West Berkshire DC v Paine* [2009].

The only exceptions to this are those areas or activities set out Sections 1.4 (Exempted Areas) or Section 1.5 (Exempted Activities).

It is the expectation of the council that anyone applying for a consent pitch will trade on a regular basis from the pitch they are seeking consent for; notwithstanding annual holidays, or other short term situations that may prevent trading. Where there is evidence of a consent not being used for legitimate trading on a regular basis, that consent may be revoked, or not renewed.

1.2 Definitions & Case Law

Within the terms of the Borough Council of Wellingborough's street trading consent scheme the following definitions apply:

<i>The Council</i>	the Borough Council of Wellingborough
<i>The Applicant</i>	the trader who has submitted an application for street trading consent
<i>Street Trading</i>	the selling or exposing or offering for sale of any article (including a living thing) in any street.
<i>Street</i>	Includes: a) Any road, footway, or other area to which the public have access without payment. b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<i>Consent Street</i>	a street in which street trading is prohibited without the consent of the Borough Council of Wellingborough.
<i>Street Trading Consent</i>	permission to trade on a street, subject to conditions and payment of a fee
<i>Consent Holder</i>	an individual to whom the consent to trade has been granted.
<i>Static Trader</i>	means a street trader granted consent to trade from a specified position.
<i>Peripatetic Trader</i>	a street trader who: a) continually moves from location to location b) Moves at least 50 metres from the last trading location c) Does not return to any location within 4 hours d) Does not wait in one location for more than 15 minutes e) Does not trade within 100 metres of any entrance to any school or college (without formal invitation from the school or college)
<i>Roundsman</i>	An individual who visits a 'round' of customers and delivers pre-ordered deliveries to those customers (for example a milkman or grocery delivery service). An ice-cream van is not classed as a roundsman.
<i>Authorised Officer</i>	means an officer employed by Borough Council of Wellingborough or Wellingborough Norse and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982 or who is involved in the management of the market
<i>Goods</i>	Goods include food, drink, provisions, commodities and articles of whatsoever nature brought on to the street trading area for the purposes of retail sale and include services offered for purchase.
<i>Vehicle</i>	Vehicle includes any car, motor cycle, van, truck, lorry, cart, handcart, wheelbarrow or trailer used or designed for conveying goods
<i>Unit</i>	Any unit (which may or may not be a vehicle) used for the purposes of street trading

Relevant Case Law

Kempin (T/A British Bulldog Ice Cream) v Brighton & Hove Council [2001]

This case determined that a roundsman was someone who delivered pre-ordered goods within a locality; and on this basis an ice cream salesman driving around an area was not a roundsman because he/she would not be delivering pre-ordered goods.

West Berkshire DC v Paine [2009]

This case determined that if the trading took place in an area where the public had access without payment (even if the public did not go there) it was a "street" and would require a consent to trade there.

1.3 Market

The demised area of Wellingborough market square is exempt from street trading restrictions as this area is covered by the Market Charter. However, all streets around the market and the rest of the borough are covered by street trading consent restrictions. This includes both existing and all new developments. This arrangement is subject to an exemption from Street Trading requirements where the Market is relocated elsewhere within the town centre under a separate agreement by the council, for operational or other reasons. Under these circumstances, normal market arrangements will take precedence over street trading restrictions.

The Market Rights Policy applies within a radius of 6 2/3 miles of the market square and where there are five or more traders at any event or location. This includes car boot sales, but excludes charity events, which are usually coordinated by one organiser. Further clarification on whether this applies to any circumstance can be provided by the Property and Projects Team.

Applications for market stalls on the market square are subject to a separate application procedure which is dealt with by Wellingborough Norse. Please contact (01933) 234520 for assistance or advice on market stalls.

Any indoor markets or similar events (for example in the Swansgate Centre or Tithe Barn) are considered outside the scope of street trading. However, any market regardless of being indoors or outdoors will need to be considered in respect of the Market Rights Policy and Charter.

1.4 Exempted Areas

Whilst the consent restrictions cover the whole borough, the council owned land or adjacent areas at the Embankment will not currently be considered for any consent application. This land is occupied under a property licence from the council and the temporary facilities provided are covered under that licence. The council currently wishes to retain the rights over this land, save for the existing property licence in place. Upon expiry of the current licence, any borough wide street trading consent would cover this area.

Whilst a borough wide consent would apply to all areas of the borough that the public have access, this policy is not intended to apply within the confines of the Swansgate Shopping Centre due to the management controls that exist in that location.

1.5 Exempted Activities

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the council:

- (a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871. (These are issued by the relevant local police force)
- (b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
- (d) Trading as a newsvendor.
- (e) Trading which:
 - (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
- (e) Selling things, or offering or exposing them for sale, as a roundsman.
- (f) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (g) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
- (h) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

Collections under a street collection permit for charitable purposes are also not covered by street trading consent. An application will need to be made to the licensing team for a Street Collection Permit under the Police, Factories etc (Misc. Provisions) Act 1916

Additionally, any activity that may normally constitute street trading would be considered exempt when that activity forms part of any authorised event which has been consented to as part of an Event application to the borough council, under the borough councils Events policy.

1.6 Street Trading Consents for which no fees are payable

The Borough Council of Wellingborough has determined that the following street trading activities do not require an application for street trading consent:

- Non-commercial (fund raising) car boot sales (although the *Market Rights Policy may apply*).
- Farmers Markets (although the *Market Rights Policy may apply*).
- Fetes, carnivals and similar community based / operated events taking place in community premises or on community land, such as schools, village halls and churches and village greens, for fundraising purposes only.
- Fundraising events organised by registered charities or for other recognised charitable purposes:
- Small scale, low-level sales of articles by residential occupiers within the curtilage of their properties only, including:
 - Retail sales of honey, jam, fruit, vegetables, eggs or similar products which are produced only at the address they are being sold.
 - A one-off garage sale or similar event.
 - Any small one-off event arranged for charitable fund raising.

Exemptions will not include:

- Any commercial operation (except those specifically listed above)
- Operation of any mobile catering business (or other similar arrangement) whether located on commercial or domestic property or land where the selling hot and cold food or drinks to passers-by.
- Events organised by any Business Improvement District (BID) or similar organisation whose purpose is promoting commercial development.

1.7 Types of Consent

Static Consent

Where a trader intends to operate from one consent pitch on a regular basis, this is considered a 'static' consent.

There are eleven standard consent pitches within the borough, which are historic pitches that were in place prior to 2018. Six in Market Street / Orient Plaza (town centre) and five in other locations in the borough. These will remain as permanent pitches. Whilst occupied, these will remain allocated to the current consent holders at the time this policy was adopted.

Applications may be submitted for other static locations within the borough, where they meet the conditions set out in this policy.

Peripatetic Consent

Street traders (such as ice cream vans, mobile sandwich sellers and other similar operations) who meet all the conditions set out below will be classed as 'peripatetic' under this policy:

- a) Continually moves from location to location.
- b) Moves at least 50 metres from the last trading location.
- c) Does not return to any location within four hours.
- d) Does not wait in one location for more than 15 minutes.
- e) Does not trade within 100 metres of any entrance to any school or college between 07:30 hours and 18:00 hours (without formal invitation from the school or college).

Peripatetic traders who meet the above criteria will not require consent.

Consent will however be required for any Peripatetic Trader not meeting the above criteria. For example, an ice cream van trading in one location for more than 15 minutes.

1.8 Events

Event organisers wishing to host an event on borough council land will need to submit an application at least 8 weeks in advance of the event. Events will only be permitted on council land in the following locations:

- Bassetts Park
- Castlefields
- Croyland Hall Gardens
- Croyland Park
- Dale End Park
- Eastfield Park
- Glamis Grove
- Guillemot Lane
- Queensway Park
- The Market Square
- Tithe Barn Green
- Swanspool Gardens

Events in any other location, such as Orient Plaza, Orient Way, Market Street etc are likely to require a Licence or consent from Northamptonshire County Council Highways Department. However, in its wider community management role the borough council may also have an interest in such events.

Any activity that would normally fall under the definition of street trading will be exempt from the street trading requirements where the activity is part of an authorised event on council land.

Other activities that are considered exempt from the Street Trading requirements include:

- Car boot sales on private land
- Community fetes
- Community carnivals
- Any similar community based events or non-commercial activities

Any such activities will need to consider the Market Charter and information in Section 1.3 above. Any activities outside of the above will need to consider whether Street Trading consent is required.

Please contact the councils events team to obtain an Event Application pack which contains the councils policy, conditions and event application forms.

1.9 Fees

Fees are reviewed and set annually by the council. Market, street trading consent and event fees will be published on the councils website along with all other fees and charges.

Street trading consent fees are set on the basis of full cost recovery, with an additional consideration of market forces. As such, some pitches may offer an enhanced or reduced commercial opportunity, and may therefore attract an enhanced or reduced annual fee accordingly.

Standard consents in the borough are for a twelve month period from the date the consent is granted.

Consents for the consent pitches in Market Street and Orient Plaza only, will be available on annual and shorter terms (quarterly; monthly; weekly and daily). For these pitches only:

- Annual consents are payable as for static consent, below.
- Quarterly and monthly consents will be payable in full, in advance
- Weekly and daily consents will be payable in full, in advance.

Fees are payable in full at the time of application. If the application is unsuccessful, this application fee will not be refundable and will be retained to cover the costs incurred in processing the application.

All applications for static annual consent, must be accompanied by a non-refundable application fee (as set out in the councils annual fees and charges). If the application is approved, this sum will be deducted from the annual fee, and the remaining balance of the annual fee becomes due. If the application is unsuccessful, this application fee will not be refundable and will be retained to cover the costs incurred in processing the application.

All applications for peripatetic consent must be accompanied by a non-refundable application fee. These consents should normally be approved if they meet the relevant conditions set out in this policy. If the application is approved, this sum will be deducted from the annual fee, and the remaining balance of the annual fee becomes due. If for any reason the application is unsuccessful, this application fee will not be refundable and will be retained to cover the costs incurred in processing the application.

Consent fees must be paid in full at the start of each consent year, or by quarterly instalments of equal amounts starting on the first day of the month in which the consent is granted. If any payment is not made by the date it is due, the consent lapses. A new application will need to be made in this instance. Reminders will not be sent for fees paid quarterly or by other instalments.

Where trading ceases during any consent period, a pro-rata refund will be given. However, refunds will not be given for any outstanding period of less than 3 months.

1.10 General

Street trading consent cannot be transferred or sold to another person; with the sole exception that the consent may be transferred to a member of the consent holders immediate family in the event of a consent holders death or incapacity. However, an administration fee will be charged for such a transfer. An application to transfer must be submitted, along with supporting evidence.

The sub-letting of a consent or consent pitch is prohibited.

Prior written approval must be obtained from the council before any change of existing unit, vehicle or stall etc is permitted for any current consent. Such written approval will not be unreasonably withheld as long as the replacement unit, vehicle or stall etc is at least in as good order and similar appearance to the one which is being replaced, and meets all requirements set out in the consent conditions.

There is no statutory right of appeal against refusal to issue a street trading consent once the local appeal procedure has been exhausted.

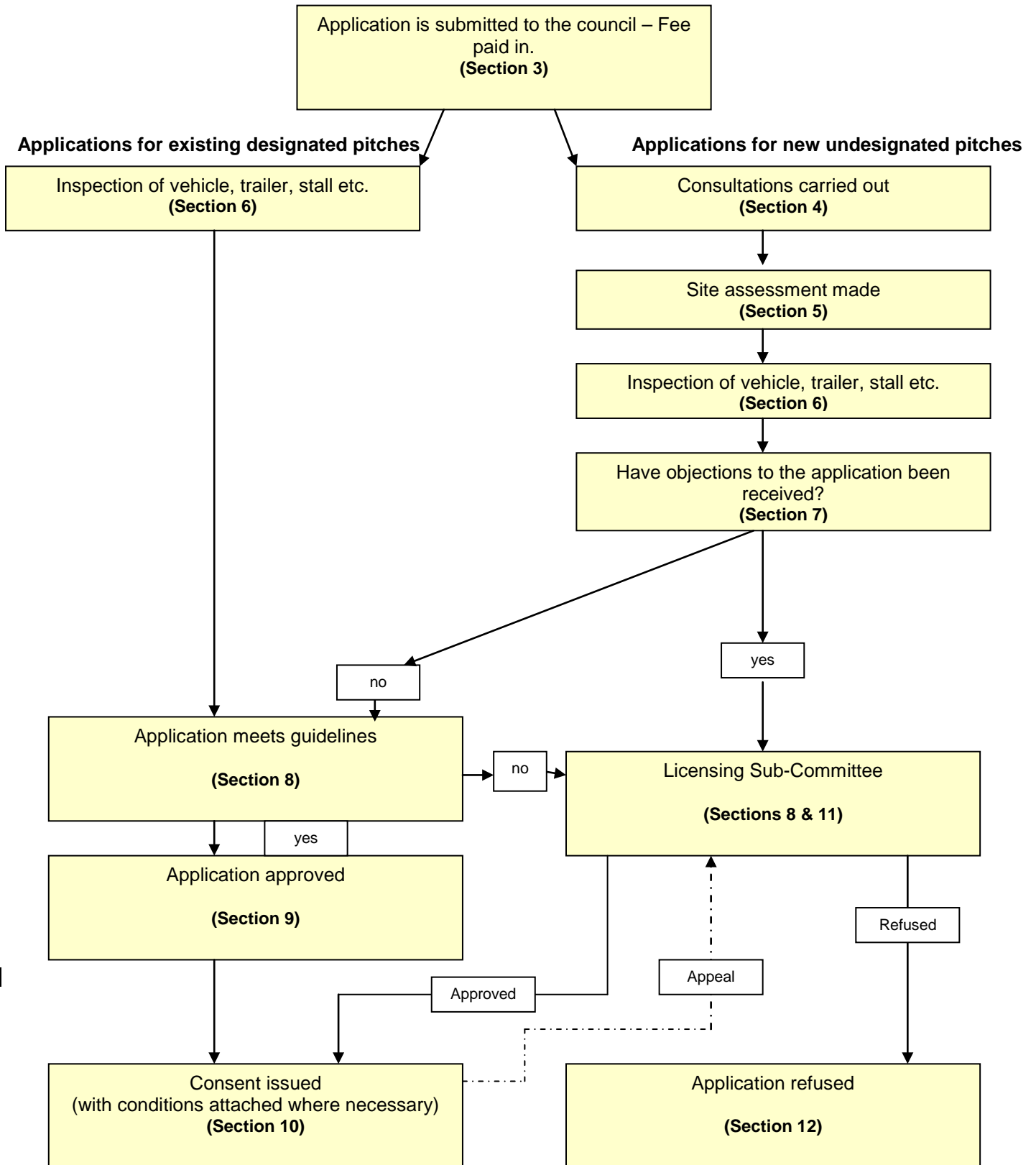
1.11 Renewal

Upon application for renewal of consent by an existing pitch holder, any pitch that has existing consent will normally be granted without consultation or consideration by the Licensing Sub-Committee.

If however, there are complaints or other issues arising in respect of the pitch or how it is managed, officers may elect to refer to the matter to the Licensing Sub-Committee for them to consider.

Section 2 - Procedure for determining applications for street trading consent

The application and approval procedure comprises of the following stages:



Section 3 - Submission of application and licence fee

An application for street trading consent must be made on the councils standard application form. If you need any assistance in completing the application form please contact the council's Licensing Officer on 01933 231966.

All designated pitches in Market Street and Orient Plaza will be administered by Wellingborough Norse. Please contact them on (01933) 234520 or email: wellingboroughnorse@ncsgrp.co.uk to discuss these pitches or to obtain an application form.

You will need to submit the following documents and fee with the application:

1. A fully completed and signed street trading consent application form and a Notice of Application for a Street Trading Consent (**Appendix 1**).
2. The non-refundable application fee.
3. Where the proposed street trading activity is from a fixed position, two copies of an Ordnance Survey map of at least 1:1250 scale, showing the site and local vicinity. The map should clearly identify the proposed site position by marking the site boundary with a red line.
4. Colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity. Photographs must be provided of:
 - The front of the unit.
 - The sides of the unit.
 - The rear of the unit.
 - A sufficient number of photographs to illustrate the internal conditions and facilities of the unit.
5. A certificate of Public Liability insurance that covers the street trading activity for third party and public liability risks to a minimum value of £5,000,000.
6. Written permission from a landowner if the street trading activity is to be carried out on any private land.
7. Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
8. Written report of electrical safety issued by a NICEIC (or similarly recognised) registered electrical contractor, if applicable.
9. Evidence to confirm all food handlers have undertaken a satisfactory level of food hygiene training.
10. Confirmation that the mobile unit is registered as a Food Business Premises as required under Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs, or any relevant updated / amended legislation.

11. A copy of the latest Food Hygiene Rating Scheme food hygiene rating for the food business / unit.
12. Written confirmation of welfare / toilet facilities for anyone employed or working on the unit.
13. Evidence of a commercial waste agreement; Waste Transfer Note, or evidence of other legal arrangements for all waste disposal being in place.
14. Proof of the applicants, and any prospective employees right to work in the UK. This must be original documentation (not copies).

Applications may be made submitted by post or in person to the Licensing Officer.

An application (or renewal application) for the grant of a Street Trading Consent must be submitted a minimum of 60 days prior to the date the applicant wishes to start trading.

Section 4 - Consultations on applications

Before any new street trading consent is granted, for all proposed site pitches the council will carry out a 21 day consultation process with relevant interested parties. In particular we may consult with the following:

- Environmental Health team
- Planning and Local Development team
- Elected Ward Members and the Chairman of the Licensing Sub-Committee
- Wellingborough Norse
- The appropriate Parish or Town Council
- Northamptonshire Police
- Highways Agency or Northamptonshire County Council Highways (or their agents)
- Any other person or organisation deemed relevant by the council in respect of the application

For all new applications, in addition to the above, the completed 'Notice of Application' must be printed on bright YELLOW paper, laminated or adequately protected from adverse weather; and posted by the applicant prominently at the location which they are applying to trade from. Further identical copies of the notice must be displayed at approximately 25 metre intervals on both sides of the highway, for a distance of 100 metres either side of the proposed trading location.

Applicants are responsible for ensuring these notices remain displayed for the duration of the consultation period and are responsible for removal of all notices and fixings at the end of the consultation period. Any notices that are not removed may constitute fly posting after this time.

Written observations from any interested party and any other relevant person, will be sought and taken into consideration when determining an application.

The council retain full and final discretion to consult and take representations from with anyone they feel appropriate on any application or renewal. In certain instances the council may directly approach local residents or businesses where they believe there is justification.

For applications and renewals on existing consent sites, consultation will not normally take place unless the council have any reason to do so. This might be due to complaints made during the consent period, or local factors that may have changed in the vicinity.

Except for the consent pitches identified as permanent consent pitches, all other pitches will cease being consent pitches upon expiry of any consent, if the existing consent holder does not renew their consent. If an application is subsequently submitted for any such pitch, it will be treated as a new consent site and be subject to the full consultation process.

Section 5 - Site Assessment

Street trading consent from static locations will not normally be granted where:

1. A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site.
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited.
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes.
4. There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes.
5. There is a conflict with Traffic Orders such as waiting restrictions.
6. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes.
7. The trading unit obstructs the safe passage of users of the footway or carriageway.
8. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.
9. The site does not allow the consent holder, employees, or customers to park in a safe manner.
10. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
11. The supply of hot or cold food and drinks or confectionary between 07:30 hours and 18:00 hours within 100 metres of the boundary of a school or college.

Section 6 - Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an officer of the council, prior to the issue of any street trading consent, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to the type of street trading activity proposed. In

particular the unit to be used shall comply with the following legislation or any relevant updated / amended legislation:

- Food Safety Act 1990.
- Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs.
- Food Safety and Hygiene (England) Regulations 2013.
- Health and Safety at Work etc. Act 1974, and Regulations made thereunder.
- Health Act 2006, and Regulations made thereunder.
- Environmental Protection Act 1990.

Section 7 - Objections to Applications

All objections must be given in writing. Verbal or other representations will not be taken into account. If objections are received against the granting of a street trading consent from any of the following:

1. Occupiers of property within the vicinity of the proposed site.
2. The Borough Council of Wellingborough Ward Members.
3. Parish or Town Councils.
4. Police and/or Fire Authorities.
5. The Highways Authority (or their agents)
6. The landowner of the site proposed to be used for street trading.
7. Any Borough Council officer.
8. Any other interested party or relevant person.

Where the objection is considered valid and relevant, the application will be referred to the Council's Licensing Sub-Committee for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of public order problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.
4. Any other valid reason raised by any interested party or relevant person.

If an objection is considered valid and relevant, the application will be referred to the next available meeting of the Licensing Committee for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Licensing Committee and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Licensing Committee and notified of the date of the hearing of the application (See Section 11).

Section 8 - Determination of Applications

The Licensing Sub-Committee and officers on a delegated basis will use the criteria listed below in the determination of street trading consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

8.1 Public Safety

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street.

8.2 Public Order

The street trading activity should not present a risk to good public order in the locality in which it is situated.

8.3 Avoidance of Nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site.

8.4 Needs of the Area

The sufficiency of other trading outlets will be taken into consideration in relation to:

- (a) The presence of other similar outlets already existing in the locality of the proposed street-trading site.
- (b) Applicants will have to demonstrate to the council the need for the proposed street trading activity in relation to either points 8.1 or 8.2 above, whichever applies.

8.5 Appearance of the Stall, Vehicle or Unit

The stall, vehicle or unit must be maintained in good condition, and of smart appearance, and meet the criteria set out in the standard consent conditions. The general appearance of the stall, vehicle or unit will also be considered in respect of whether it is likely to detract from the appearance of the surrounding area.

8.6 Environmental Credentials

The impact of the proposed operation on the local environment, including street surfaces and materials; power supply; carbon footprint; supply chain; packaging; waste minimisation; waste disposal and waste generated by customers. There must be sufficient measures to minimize all environmental impacts of the proposed operation.

8.7 Compliance with legal requirements

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from council officers on the compliance with the requirements of Food Safety/Hygiene, Health & Safety and Environmental Protection legislation shall be taken into consideration.

8.8 Consultees Observations

In relation to points 8.1 – 8.4 above, consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevance and appropriateness to the application that has been made.

8.9 Permitted Trading Hours

The council generally only permit street trading between 07:30 hours and 18:00 hours on any day. Any application for trading outside these hours will have to be determined by the Licensing Sub-Committee. Street trading outside the guideline hours will be assessed in terms of public order, public nuisance, avoidance of nuisance and the needs of the area criteria detailed above.

The council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

8.10 Officer decisions on applications

Where any application meets all requirements and receives no objections at the end of the consultation period, officers have delegated authority to grant the consent, and apply the standard consent conditions.

If an Officer acting on a delegated basis is unable to grant a street trading consent, the applicant will be informed of the reason(s) for this.

If the applicant still wishes to pursue the application, they will need to confirm whether they wish the matter to be referred to the Licensing Sub-Committee for determination or whether they wish to withdraw the application.

Section 9 - Approval of Applications

The council's Licensing Sub-Committee, or officers on a delegated basis may approve applications meeting the criteria contained within this policy in accordance with delegated powers as set out in the councils constitution.

On approving the application the council will issue street trading consent to which conditions will be attached. The consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold.

A copy of the council's standard conditions, which are attached to street trading consents, are shown at **Appendix 2**. Additional conditions may be attached to the standard conditions if special circumstances apply to the consent being granted by the council. This will only be following a hearing by the Licensing Sub-Committee.

The conditions attached to the consent form part of the approval to carry out street trading in the Borough of Wellingborough. They **MUST** be complied with at all times and failure to do so could lead to the consent being either revoked, or not renewed.

Consent holders are therefore advised to familiarise themselves with the terms and conditions attached to the street trading consent and comply with the requirements.

Section 10 - Issue of Street Trading Consents

Street trading consents will be issued for a maximum period of 12 months, running from the first of the month in which the application is granted.

In all cases when a consent has expired, and an application has not been submitted to the council for renewal before the existing consent expires, a new application will have to be made. In such cases the application will be required to go through the full consultation process outlined in this policy.

Please note, if any method of payment fails, this will result in the automatic and immediate revocation of the street trading consent issued by the council, unless payment of the full outstanding fee is made immediately. In such cases an administration charge will also be imposed on the consent holder.

Section 11 - Consideration of applications by the Licensing Sub-Committee

The Council's Licensing Sub-Committee has been established to consider applications, hear objections and appeals in relation to licensing matters. Licensing Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Licensing Sub-Committee is to:

1. Determine applications to which objections, have been made, or;
2. Determine unopposed referred applications that do not meet the criteria contained within this policy, or;
3. Hear appeals from applicants against the imposition of a condition on a Consent
4. Consider applications from officers to revoke or suspend a consent.

An applicant wishing to make an appeal against conditions attached to a street trading consent must do so in writing within 21 days of being issued with the consent. The appeal should set out:

- Details of the condition or conditions being appealed against, and;
- The reasons for making the appeal.

All appeals should be sent to:

The Licensing Manager
The Borough Council of Wellingborough
Swanspool House
Doddington Road
Wellingborough
Northants
NN8 1BP

On receipt of a written objection, or where an application does not meet the criteria in this policy, or an appeal against the conditions attached to a consent, arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing Sub-Committee.

Once arrangements have been made for the application to be heard by the Licensing Sub-Committee persons making the objection, appeal or reference to the Committee will be advised in writing of the date, time and place where the application will be heard. The council will endeavour to have applications heard as quickly as reasonably possible.

The person making a reference of an application or an appeal to the Licensing Sub-Committee will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Sub-Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

In determining an application the Licensing Sub-Committee will consider representations from the person making the objection, reference or appeal, and any relevant council officers.

Either party may use witnesses, and supporting documentation may be submitted to the Licensing Sub-Committee for consideration at the committee's discretion.

The Licensing Sub-Committee will consider all evidence presented to it during the hearing and members may ask questions of officers and persons making an objection, reference or appeal. After hearing the evidence presented to it, the Licensing Sub-Committee will retire and come to a decision on the application. When a decision has been reached the Sub-Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Licensing Sub-Committee will be confirmed in writing to the applicant within 21 days of the meeting at which the application was considered.

Where objections have been raised to the granting of street trading consent the Licensing Sub-Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Sub-Committee and ask questions relating to the application. Letters of objection that have been received by the council will be circulated to members of the Licensing Sub-Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant but without any information that would identify the person submitting the objection. The applicant will though be given a broad indication of the proximity of the objector's property in relation to the proposed street trading site. If the objection is from a borough council Ward Member, or a Parish or Town Council, the full details of the letter of objection will be sent to the applicant.

The Licensing Sub-Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:

1. Considering each case on its merits.
2. Using these guidelines to assess applications where it is felt appropriate.
3. Dealing with the appeal in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an appeal, a reference or an objection sufficient opportunity to present their case, ask questions of officers and members of the Sub-Committee and present information for consideration in support of their appeal or objection.

Section 12 - Refusal of Applications

Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application. The decision of the Licensing Sub-Committee is final. The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the council in relation to the issue of street trading consents.

A person aggrieved against a decision of the Licensing Panel may however seek a Judicial Review of the decision of the Licensing Sub-Committee, should the applicant be able to demonstrate that the policy and procedure were not followed correctly.

Section 13 – Renewal of Street Trading Consents

Applications for annual renewals must be submitted at least one calendar month prior to expiry, and will only be considered valid if submitted with all necessary documentation and the application fee. Incomplete applications will not be processed.

Applications for renewal of an existing consent will normally be granted to current consent holders without the need for referral to the Licensing Sub-Committee. However, where complaints or objections have been received regarding any pitch, or where officers are aware of other relevant matters, renewals may be referred to the Licensing Sub-Committee for consideration. Referral is at the discretion of the Licensing Manager.

Section 14 - Enforcement of Street Trading

The Borough Council of Wellingborough will actively enforce the provisions of the street trading consent scheme within the borough in a fair and consistent manner.

Enforcement action will be taken in line with the Environmental Health Enforcement Policy, and other relevant enforcement guidance.

The Borough Council of Wellingborough has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of street trading services you should in the first instance contact the Licensing Manager at The Borough Council of Wellingborough, Swanspool House, Doddington Road, Wellingborough, Northants NN8 1BP or telephone 01933 231954. If the matter cannot be resolved, advice will be given on how to further your complaint under the council's complaints scheme.

Section 15 – Permanent Consent Pitches

Where any permanent consent pitch is let, and another party has an interest in taking over the pitch if it becomes vacant, a waiting list will be maintained.

Once a permanent pitch becomes available it will be offered to the person at the top of the waiting list. If that person no longer wishes to take up the pitch, it will then be offered to others on the list, from the top of the list down.

If a person on the waiting list does not respond to offers of a pitch, after three attempts are made using the contact details they provided, that person will be removed from the list. They would then need to reapply and be placed at the bottom of the list.

Section 16 – Market Policy

The councils Market Rights Policy can be accessed at:

http://www.wellingborough.gov.uk/downloads/download/2746/2016_market_rights_policy

The council's market policy is intended to cover all market events held within 6.6 miles of Wellingborough market.

**Appendix 1 – Standard Conditions for Static Consent
(Borough wide except Market Street and Orient Plaza)**

GENERAL CONDITIONS

1. *The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by them to assist him in their trading shall produce the Consent on demand when so required by a duly authorised officer of the Borough Council of Wellingborough, Wellingborough Norse, or by a Police Officer.*
2. *A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the Council, Wellingborough Norse, or a police officer.*
3. *The Consent Holder shall notify the Licensing Officer of the council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent.*
4. *The Consent Holder shall not assign, sub-let, underlet or part with their interest or possession under this Consent or any part thereof, but may surrender it to the council at any time.*
5. *The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the council or Wellingborough Norse.*
6. *Nothing contained in these conditions shall relieve the Consent Holder or their employees or agents 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 this Consent.*
7. *The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of £5million and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the council or Wellingborough Norse.*
8. *If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the council that permission of the landowner or lessee has been obtained to carry out the street trading activity and should notify the council in writing of any changes to this permission over the term of the licence.*
9. *The council may vary the conditions attached to the Consent at any time.*
10. *The Borough Council, County Council or any utility company (gas, water electricity etc) can require the street trading unit to be removed at any time in connection with carrying out its duties.*
11. *Only goods or services specified in the Consent may be sold from the pitch specified in the Consent unless a variation is agreed in writing by an authorised officer of the council.*
12. *Use of a consent pitch may be suspended with immediate effect by an authorised officer of the council, for the purposes of undertaking statutory functions, or in the interests of public safety, or revoked by the Licensing Sub-Committee.*

SITE CONDITIONS

13. *The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the council.*
14. *The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the prior consent in writing from the council.*
15. *Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the council. The Consent Holder shall not make any excavations or alterations of any*

description in the surface of the street, or land in the ownership of the council adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the council in writing. Any advertisement displayed must only relate to the business to which consent is granted.

16. *The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.*
17. *The Consent Holder shall keep their trading position to a distance of 50 meters either side of the vehicle in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.*
18. *The Consent Holder shall provide and maintain at their own expense refuse receptacles adequate for all litter and other waste, including both solid and liquid waste, generated from the trading activity.*
19. *Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved and legal manner. Proof shall be required in the form of Duty of Care notes for the waste disposed of.*
20. *The Consent Holder shall provide such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.*

TRADING CONDITIONS

21. *The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.*
22. *The Consent Holder shall not trade outside the time and days permitted by the Consent.*
23. *The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public the street trading consent certificate that has been issued by the Council.*
24. *The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.*
25. *The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.*
26. *The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.*
27. *The Consent Holder shall not trade in such a way as to cause a nuisance to persons using the street or public place, or occupiers of premises in the vicinity.*
28. *Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.*
27. *Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a days trading shall be required to:*
 - (a) *Obtain written permission from the Council*
 - (b) *Provide the name, age and address of such an assistant.*
28. *The Consent Holder shall at all times conduct their business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.*
29. *Any storage of gas, fuel for generators, or other combustible substances must be kept to a minimum and stored in a safe and secure manner.*

30. A fire safety risk assessment must be undertaken; all necessary control measures implemented; and adequate fire-fighting equipment must be provided and maintained.

LEGAL PROVISIONS

31. Nothing contained in these conditions shall relieve or excuse the Consent Holder or their employees or agents from any legal duty or liability.
32. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the below and any updated or amended relevant legislation:
- Food Safety Act 1990
 - Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs
 - Food Safety and Hygiene (England) Regulations 2013
 - Health and Safety at Work etc. Act 1974, and Regulations made thereunder
 - Health Act 2006, and Regulations made thereunder
 - Environmental Protection Act 1990
 - Regulatory Reform (Fire Safety) Order 2005

REVOCATION OR SURRENDER OF CONSENT

33. This Consent may be revoked by the council at any time and the council shall not in any circumstances whatsoever be liable to pay any compensation to the Consent Holder in respect of such revocation.
34. The holder shall return this Consent to the Borough Council of Wellingborough immediately on revocation or surrender of the Consent.

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The council means the Borough Council of Wellingborough

Street Trading means the selling or exposing or offering for sale of any article (including a living thing) in any street.

Street Includes:

- (a) Any road, footway, or other area to which the public have access without payment.
- (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

Consent Street means a street in which street trading is prohibited without the consent of the Borough Council of Wellingborough.

Authorised Officer means an officer employed by The Borough Council of Wellingborough and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

No failure or delay by the Council in exercising any right, power or privilege under these regulations shall impair the same or operate as a waiver of the same nor shall any single or partial exercise of any right, power or privilege preclude any further exercise of the same or the exercise of any other right, power or privilege.

THIS CONSENT DOES NOT:

- 1. Permit trading outside the terms of the Consent.**
- 2. Indicate that planning permission is not required.**

Please note:

- (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.*
- (b) That the grant of one or more street trading consents does not give the trader immunity from planning control.*
- (c) The council has discretion whether or not to enforce planning laws in relation to street trading.*

- 3. Indicate that the unit is exempt from business rates.**
- 4. Over-ride parking restrictions or any other traffic regulations.**
- 5. Imply approval from the highway authority or any other person or authority.**

**Appendix 2 – Standard Conditions for Static Consent
(Market Street and Orient Plaza only)**

GENERAL CONDITIONS

1. *The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by them to assist them in their trading shall produce the Consent on demand when so required by a duly authorised officer of the Borough Council of Wellingborough, Wellingborough Norse, or by a Police Officer.*
2. *A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the council, Wellingborough Norse, or a Police Officer.*
3. *The Consent Holder shall notify the Licensing Officer of the council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent.*
4. *The Consent Holder shall not assign, sub-let, underlet or part with their interest or possession under this Consent or any part thereof, but may surrender it to the council at any time.*
5. *The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the council or Wellingborough Norse.*
6. *Nothing contained in these conditions shall relieve the Consent Holder or their employees or agents 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 this Consent.*
7. *The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of £5million and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the council or Wellingborough Norse.*
8. *If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the council that permission of the landowner or lessee has been obtained to carry out the street trading activity.*
9. *The council may vary the Conditions attached to the Consent at any time.*
10. *The Borough Council, County Council or any utility company (gas, water electricity etc) can require the street trading unit to be removed at any time in connection with carrying out its duties.*
11. *Only goods or services specified in the Consent may be sold from the pitch specified in the Consent unless a variation is agreed in writing by an authorised officer of the council.*
12. *Use of a consent pitch in the town centre may be suspended where prior notice is given in writing by an authorised officer of the council to facilitate a specific event. In this instance, the council will endeavour to offer an alternative pitch within the town centre, for the duration of any suspension.*
13. *Use of a consent pitch may also be suspended with immediate effect by an authorised officer of the council, for the purposes of undertaking statutory functions, or in the interests of public safety.*
14. *The specified pitch will be reserved for the Consent Holder but the council reserves the right to allow usage by another Consent Holder if it has not been occupied by 8.30am or such other regular trading times as has been previously notified to the council, or if the trader gives notice of suspending their usage for a specified period.*
15. *Use of a pitch may be suspended by an authorised officer of the council if the Consent Holder without prior notice fails to trade on two consecutive days for which the pitch has been reserved and it will remain suspended until the Consent Holder gives at least 24 hours notice of intention to resume trade.*
16. *The pitch shall be set out by 9am with any vehicles removed. Vehicles shall not be brought back into the street prior to 4pm without consent of the Town Centre Charge Hand or an authorised officer of the council.*

17. *The Consent Holder shall not use any device that amplifies sound which is audible beyond 5 metres from the site unless that is specifically permitted by the Consent terms.*

SITE CONDITIONS

18. *The Consent Holder when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the council.*
19. *The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the council.*
20. *Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the council. The Consent Holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the council adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the council in writing. Any advertisement displayed must only relate to the business to which consent is granted.*
21. *The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and they must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.*
22. *The Consent Holder shall keep their trading pitch and the immediate vicinity in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.*
23. *The Consent Holder shall provide and maintain at their own expense refuse receptacles adequate for all litter and other waste, including both solid and liquid waste, generated from the trading activity.*
24. *Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved and legal manner. Proof shall be required in the form of Duty of Care notes for the waste disposed of.*
25. *The Consent Holder shall provide such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.*
26. *For the purposes of trading in Market Street or Orient Plaza:*
- a) *A single pitch constitutes a maximum area of 1.4m x 4.0 meters*
 - b) *A double pitch constitutes a maximum area of 2.8meters x 4.0 meters*
 - b) *Gazebos must have either blue and white or green and white canopies*
 - c) *Promotional bookings must use a 'branded gazebo'*
 - d) *The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.*
 - e) *All displays must be within the confines of the pitch unless otherwise permitted by the Town Centre Charge Hand, or any authorised officer of the Council or Wellingborough Norse.*

TRADING CONDITIONS

27. *The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.*
28. *The Consent Holder shall not trade outside the time and days permitted by the Consent.*
29. *The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public the street trading consent certificate that has been issued by the council.*

30. *The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.*
31. *The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.*
32. *The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.*
33. *The Consent Holder shall not trade in such a way as to cause a nuisance to persons using the street or public place, or occupiers of premises in the vicinity.*
34. *Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.*
35. *Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a days trading shall be required to:*
 - (a) *Obtain written permission from the council*
 - (b) *Provide the name, age and address of such an assistant.*
36. *The Consent Holder shall at all times conduct their business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.*
37. *Any storage of gas, fuel for generators, or other combustible substances must be kept to a minimum and stored in a safe and secure manner.*
38. *A fire safety risk assessment must be undertaken; all necessary control measures implemented; and adequate fire-fighting equipment must be provided and maintained.*

LEGAL PROVISIONS

39. *Nothing contained in these conditions shall relieve or excuse the Consent Holder or their employees or agents from any legal duty or liability.*
40. *At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the following, or any updated or amended relevant legislation:*
 - *Food Safety Act 1990*
 - *Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs*
 - *Food Safety and Hygiene (England) Regulations 2013*
 - *Health and Safety at Work etc. Act 1974, and Regulations made thereunder*
 - *Health Act 2006, and Regulations made thereunder*
 - *Environmental Protection Act 1990*
 - *Regulatory Reform (Fire Safety) Order 2005*

REVOCATION OR SURRENDER OF CONSENT

41. *This Consent may be revoked by the council at any time and the council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.*
42. *The holder shall return this Consent to the council immediately on revocation or surrender of the Consent.*

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The council *means the Borough Council of Wellingborough*

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

Street Includes:

- (a) Any road, footway, beach or other area to which the public have access without payment.
- (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

Consent Street means a street in which street trading is prohibited without the consent of the council.

Authorised Officer means an officer employed by the council and authorised by the council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

No failure or delay by the council in exercising any right, power or privilege under these regulations shall impair the same or operate as a waiver of the same nor shall any single or partial exercise of any right, power or privilege preclude any further exercise of the same or the exercise of any other right, power or privilege.

THIS CONSENT DOES NOT:

1. **Permit trading outside the terms of the Consent.**
2. **Indicate that planning permission is not required.**

Please note:

- (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.
- (b) That the grant of one or more street trading consents does not give the trader immunity from planning control.
- (c) The council has discretion whether or not to enforce planning laws in relation to street trading.

3. **Indicate that the unit is exempt from business rates.**
4. **Over-ride parking restrictions or any other traffic regulations.**
5. **Imply approval from the highway authority or any other person or authority.**

Appendix 3 – Standard Conditions for Peripatetic Consent

GENERAL CONDITIONS

1. *The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by them to assist them in their trading shall produce the Consent on demand when so required by a duly authorised officer of the council, Wellingborough Norse, or by a police officer.*
2. *A copy of this Consent shall be kept onsite by the holder and available for inspection by an authorised officer of the council, Wellingborough Norse, or a police officer.*
3. *The Consent Holder shall notify the Licensing Officer of the council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent.*
4. *The Consent Holder shall not assign, sub-let, underlet or part with their interest or possession under this Consent or any part thereof, but may surrender it to the council at any time.*
5. *The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly authorised officer of the council or Wellingborough Norse.*
6. *Nothing contained in these conditions shall relieve the Consent Holder or their employees or agents 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 this Consent.*
7. *The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy for a minimum of £5million and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the council or Wellingborough Norse.*
8. *If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the council that permission of the landowner or lessee has been obtained to carry out the street trading activity.*
9. *The council may vary the Conditions attached to the Consent at any time.*
10. *The Borough Council, County Council or any utility company (gas, water electricity etc) can require the street trading unit to be removed at any time in connection with carrying out its duties.*
11. *Only goods or services specified in the Consent may be sold from the pitch specified in the Consent unless a variation is agreed in writing by an authorised officer of the council.*

SITE CONDITIONS

12. *The Consent Holder must have adequate arrangements in place for welfare and hygiene facilities for anyone working in a peripatetic business.*
13. *The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the council.*
14. *Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the council. The Consent Holder shall not make any excavations or alterations of any description in the surface of the street, or land in the ownership of the council adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the council in writing. Any advertisement displayed must only relate to the business to which consent is granted.*
15. *The Consent Holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.*

16. *The Consent Holder shall keep their trading position to a distance of 50 meters either side of the vehicle in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.*
17. *The Consent Holder shall provide and maintain at their own expense refuse receptacles adequate for all litter and other waste, including both solid and liquid waste, generated from the trading activity.*
18. *Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved and legal manner. Proof shall be required in the form of Duty of Care notes for the waste disposed of.*
19. *The Consent Holder shall provide such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.*

TRADING CONDITIONS

20. *The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.*
21. *The Consent Holder shall not trade outside the time and days permitted by the Consent.*
22. *The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public the street trading consent certificate that has been issued by the Council.*
23. *The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.*
24. *The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.*
25. *The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.*
26. *The Consent Holder shall not trade in such a way as to cause a nuisance to persons using the street or public place, or occupiers of premises in the vicinity.*
27. *Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.*
27. *Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a days trading shall be required to:*
 - (a) *Obtain written permission from the Council*
 - (b) *Provide the name, age and address of such an assistant.*
28. *The Consent Holder shall at all times conduct their business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.*
29. *Any storage of gas, fuel for generators, or other combustible substances must be kept to a minimum and stored in a safe and secure manner.*
30. *A fire safety risk assessment must be undertaken; all necessary control measures implemented; and adequate fire-fighting equipment must be provided and maintained.*

LEGAL PROVISIONS

31. *Nothing contained in these conditions shall relieve or excuse the Consent Holder or their employees or agents from any legal duty or liability.*

- 32 At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the following, or any updated or amended relevant legislation:
- Food Safety Act 1990
 - Regulation (EC) No. 852/2004 on the Hygiene of Foodstuffs
 - Food Safety and Hygiene (England) Regulations 2013
 - Health and Safety at Work etc. Act 1974, and Regulations made thereunder
 - Health Act 2006, and Regulations made thereunder
 - Environmental Protection Act 1990
 - Regulatory Reform (Fire Safety) Order 2005

PERIPATETIC TRADING

- 33 Peripatetic Traders may sound chimes but not:

- (a) For longer than 4 seconds at a time;
- (b) More often than once every 3 minutes;
- (c) When the vehicle is stationary;
- (d) When the vehicle is moving, except on approach to a selling point;
- (e) When in sight of another vehicle which is trading;
- (f) When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
- (g) More often than once every 2 hours in the same length of street;
- (h) With the volume too loud (i.e. not more than 80 dB (A)).

Chimes or other acoustic notification methods are not permitted to be used before 08:00 hours or after 19:00 hours on any day.

REVOCATION OR SURRENDER OF CONSENT

- 34 This Consent may be revoked by the council at any time and the council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 35 The holder shall return this Consent to the council immediately on revocation or surrender of the Consent.

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The council means the Borough Council of Wellingborough

Street Trading means the selling or exposing or offering for sale of any article (including a living thing) in any street.

Street Includes:

- (a) Any road, footway, beach or other area to which the public have access without payment.
- (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

Consent Street means a street in which street trading is prohibited without the consent of The Borough Council of Wellingborough.

Authorised Officer means an officer employed by The Borough Council of Wellingborough and authorised by the council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

No failure or delay by the council in exercising any right, power or privilege under these regulations shall impair the same or operate as a waiver of the same nor shall any single or partial exercise of any right, power or privilege preclude any further exercise of the same or the exercise of any other right, power or privilege.

THIS CONSENT DOES NOT:

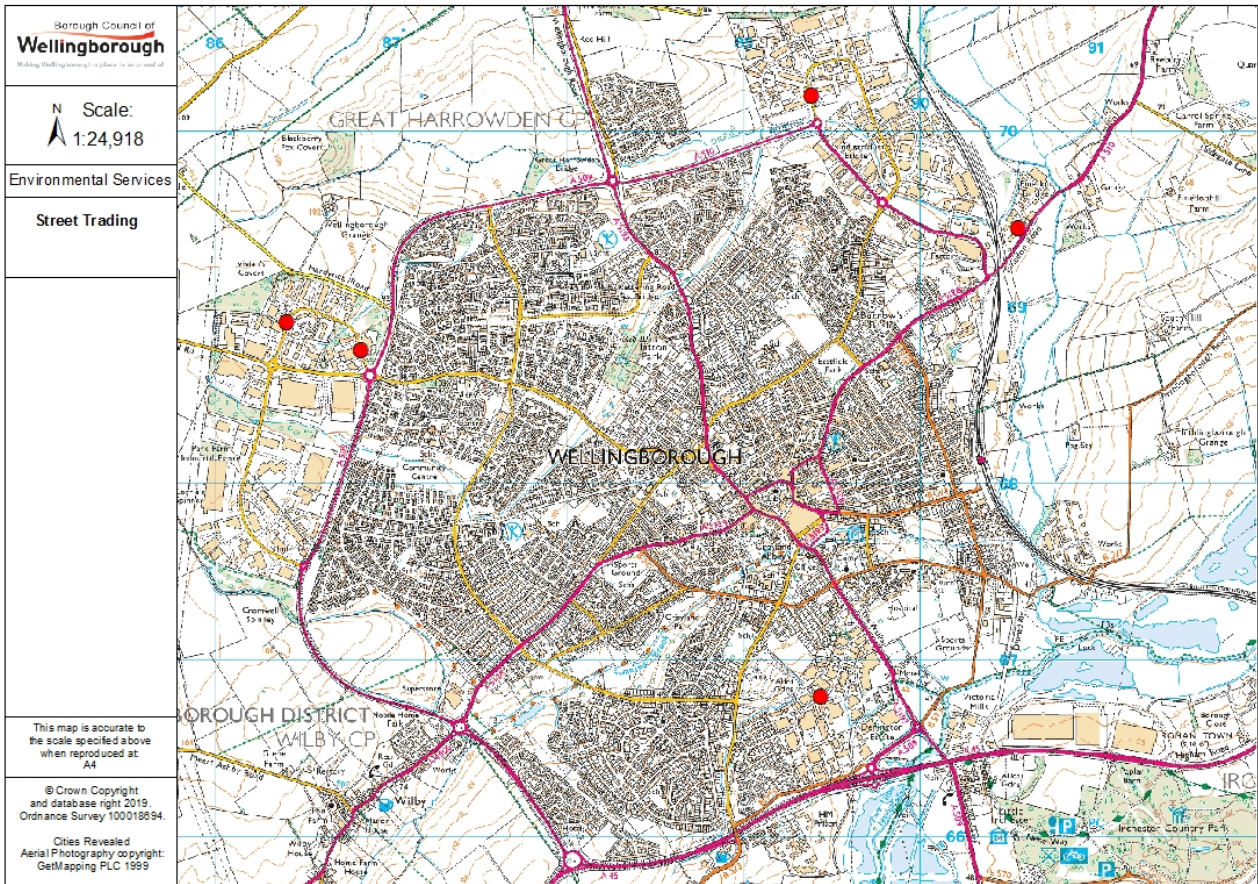
- 1. Permit trading outside the terms of the Consent.**
- 2. Indicate that planning permission is not required.**

Please note:

- (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.*
- (b) That the grant of one or more street trading consents does not give the trader immunity from planning control.*
- (c) The council has discretion whether or not to enforce planning laws in relation to street trading.*

- 3. Indicate that the unit is exempt from business rates.**
- 4. Over-ride parking restrictions or any other traffic regulations.**
- 5. Imply approval from the highway authority or any other person or authority.**

**Appendix 4 – Map of Permanently Designated Static Consent Pitches
(Borough wide except Market Street and Orient Plaza)**



Appendix 5 – Map of Permanently Designated Static Consent Pitches



Appendix 6 – Street Trading Consent Application Form

Appendix 6 - Application Form

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR THE GRANT OR RENEWAL OF A
STREET TRADING CONSENT**



PLEASE COMPLETE THIS FORM IN BLOCK CAPITALS AND IN BLACK INK

I/We

Of

Telephone Number(s):

Trading as:

HEREBY APPLY FOR THE GRANT/RENEWAL¹ of a Street Trading Consent in accordance with the following particulars:

The Street/Location I/We wish to trade is:

(If town centre, please state exact pitch as per town centre pitch plan - Pitch numbers ST1 to ST6).

I/We wish to trade as detailed below:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To							

I/We wish to apply for the following type of Consent (Please ✓)

Static Consent Peripatetic Consent

Date or dates Consent is sought:

The articles I/We wish to trade in are:

Please detail toilet facilities for persons working on a static site:

Please detail waste provisions for the proposed operation:.....

¹ Delete as appropriate

I/We will be trading from a: Van Trailer Cart Barrow

Other (describe):

Dimensions:

Colour:

Will you have tables and chairs on the site? Yes No

If yes, Number of Tables: Number of Chairs:

Will you be trading on private land? Yes No

If yes, name and address of landowner:

.....

Do you hold, or have you previously held, or been refused, a Street Trading Consent with this or any other Council? If yes, please give details:

.....

I/We declare that I am/we are NOT under the age of 17 years

Date(s) of Birth:

I/We declare that the information given in this application is true.

Full Name and Signature of applicant(s): 1)

2)

3)

Date:.....

Please enclose all of the following with your completed application form:

Documentation	Tick	Documentation	Tick
Full Application Fee		Landowners Written Consent (if applicable)	
Copy of Completed Notice Of Intention to Apply		Gas Safety Certificate (if applicable)	
2 Copies of OS Map of proposed location		Electrical Safety Certificate (if applicable)	
Colour Photographs of unit		Food Hygiene Training Certificates (if applicable)	
Current Public Liability Insurance Certificate		Food Hygiene Rating Certificate (if applicable)	
Documentation for applicant(s) and all employees Right to Work in the UK (must be original documents) See: https://www.gov.uk/government/publications/acceptable-right-to-work-documents-an-employers-guide			

Please return this form with all documentation outlined above and the full application fee to: HEALTH PROTECTION SECTION, THE BOROUGH COUNCIL OF WELLINGBROUGH, SWANSPool HOUSE, DODDINGTON ROAD, WELLINGBOROUGH NORTHAMPTONSHIRE, NN8 1BP

Appendix 7 Notice of Intention to Apply for Street Trading Consent

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
**NOTICE OF INTENTION TO APPLY TO
THE BOROUGH COUNCIL OF WELLINGBROUGH
FOR THE GRANT OF A
STREET TRADING CONSENT**

FULL NAME OF APPLICANT (S):

LOCATION OF PROPOSED STREET TRADING SITE:
.....

ARTICLES TO BE SOLD:

DESCRIPTION OF STALL OR OTHER STRUCTURE TO BE USED:
.....

GROUND DIMENSIONS OF PROPOSED SITE:

PROPOSED TIMES OF TRADING:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From							
To							

PROPOSED COMMENCEMENT DATE (if the application is granted):

Signature of applicant(s):

Date:

ANY PERSON WISHING TO MAKE A REPRESENTATION REGARDING THE APPLICATION SHOULD WRITE TO THE LICENSING MANAGER, HEALTH PROTECTION SECTION, THE BOROUGH COUNCIL OF WELLINGBROUGH, SWANSPOOL HOUSE, DODDINGTON ROAD, WELLINGBOROUGH NORTHAMPTONSHIRE, NN8 1BP WITHIN 21 DAYS OF THE DATE ABOVE

This Notice must be printed on bright YELLOW paper, laminated or adequately protected from adverse weather; and posted by the applicant prominently at the location which they are applying to trade from. Further identical copies of the notice must be displayed at approximately 25 meter intervals on both sides of the highway, for a distance of 100 meters either side of the proposed trading location. Within 48 hours of the end of consultation the applicant must remove all notices.