

**SOUTH STAFFORDSHIRE DISTRICT
COUNCIL**



STREET TRADING CONSENT POLICY

**Local Government
(Miscellaneous Provisions) Act 1982**

December 2017

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1. PURPOSE

- 1.1 South Staffordshire District Council ("the Council") has adopted the provisions of Schedule 4, of the Local Government (Miscellaneous Provisions) Act 1982, ("The Act") for the Street Trading Consent scheme which allows for the regulation of street trading within the district.
- 1.2 In formulating this policy the Council has had regard to the Regulators Compliance Code in particular how it might support or enable economic growth for compliant businesses whilst protecting the vulnerable, the environment etc.
- 1.3 This Policy will be applied to the whole of the district of South Staffordshire and every street within has been designated as a **consent** street to assist in consistency of decision making and enforcement. It follows therefore that Street trading, within the consented areas, is regarded as an acceptable activity by the Council ; provided it is located where it makes a positive contribution, complements existing premises based trading, adds interest, diversity and consumer choice to the area; and does not adversely affect safety or local amenity.
- 1.4 This means that **before** you can trade in any street you will need to obtain a consent to do so from the Council. It is a criminal offence (punishable by a fine of up to a £1000) not to do so.

2. DEFINITIONS

Within the terms of the Council's Street Trading Consent Scheme, the following definitions shall mean:

The Council: South Staffordshire District Council

Street Trading: The selling, exposing or offering for sale of any article in any street.

For clarity, this means no living thing shall be sold on any street; nor the sale of any second hand electrical goods, counterfeit goods, DVD's or similar merchandise. Only those items specifically permitted by the street trading consent can be sold by the consent holder.

Street: The term 'Street' includes any road, footway, or other area (or part of) to which the public have access without payment (includes car parks, lay-bys, private roads, industrial trading estates; private land etc. – this includes potential

access, that is the right to access, rather than just actual use); and any service area as defined in section 329 of the Highways Act 1980.

- Consent Street: Means a street in which street trading is prohibited **without** a trader being in possession of a valid consent from the Council.
- Consent: Document granted by South Staffordshire Council authorising the consent holder to trade on a street, in accordance with any conditions attached to the same.
- Consent Holder: The legal person(s) or company who has been granted a valid consent by the Council.
- Street Trader: Means a trader who requires a consent to trade or who has such a consent.
- Mobile Street to Street Traders:
Means mobile traders such as and including ice-cream vans and mobile street to street vehicles; which move from street to street to trade for immediate custom, but do not stop for any substantial time. These types of businesses must have a mobile street trading consent to allow them to work within specific areas of South Staffordshire, unless deemed to be Rounds men.
- Mobile Structures: Trading structures, which are potentially readily moveable from site to site.
- Static Mobile Structures: Trading structures which are not built as a permanent fixed building, but is a structure located in a fixed position, but is potentially still moveable.
- Authorised Officer: An officer of the Council authorised by it to act in accordance with the provisions of the Act.
- News vendor: Seller of newspapers and magazines e.g. The Big Issue.
- Roundsman: Someone who follows the round of his customers taking orders and delivering earlier orders e.g. a milkman

Pedlar: A pedestrian who goes to his customers rather than allowing them to come to him; trades as he travels rather than travels to trade.
For the avoidance of doubt If a stall or barrow is set up and waits for people to approach rather than approaching them, then they require a street trading consent and are not a pedlar.

3. WHEN IS A STREET TRADING CONSENT NOT REQUIRED

3.1 Under 'the Act' the following do not need a street trading consent:

- A person trading under the authority of a Pedlars Certificate granted under the Pedlars Act 1871;
- Trading as a news vendor within a maximum area of 0.25 square metres, this includes 'Big Issue' sellers [Big Issue Sellers are managed by the Big Issue Foundation];
- Trading which is carried on at a petrol filling station; or at premises used as a shop or in a street adjoining premises and used as part of the business of the shop;
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area under Section 112 of the Highway Act 1980;
- Trading as a roundsman e.g. milkman.

It has been established in law that mobile ice cream sales **will not** be deemed to be exempt from street trading consents on the grounds that they are not roundsmen.

3.2 Charitable Street Trading Permits

South Staffordshire Council issues **permits** for charitable street collections. Persons may be permitted in any street or public place to collect money or sell articles for the benefit of charitable or other purposes. Collections cannot be held in any street or public place unless a permit has been obtained.

An application form and further guidance for such a permit can be obtained from the Council's Licensing Team.

3.3 It is not intended that this Policy should apply to those who are simply promoting services or events within the area. Each application will be considered on its own merits so that individual circumstances may be taken into account and exceptions may be made to this policy where appropriate.

4. OCCASIONAL Events

- 4.1 Street Trading Consents are not required for one-off events. Events of a longer duration will be considered on their own merits.

5. APPLICATION PROCESS

- 5.1 The process stages are set out at **Annex 1**.

6. Stage 1- Making an application

- 6.1 A new application or renewal for a street trading consent must be made to the Council in writing. The application form is included in this policy document at **Annex 2**.

- 6.2 **A new applicant for an initial street trading consent should apply at least 28 days' before they intend to trade.** This will allow for a proper consultation period to be undertaken. Applicants should be able to communicate effectively in English and be aware that false statements or misrepresentation may result in the refusal of the application or revocation of the consent. In certain cases a prosecution under the Fraud Act 2006 might be appropriate.

- 6.3 To enable your application to be processed without undue delay, all the information requested will need to be provided with the application form at the time it is submitted. An incomplete application will not be accepted.

- 6.4 A completed application form must be accompanied by:

- a. The appropriate fee. Please refer to the fees and method of payment section at **Annex 3**
- b. Location plan indicating any fixed positions that a person proposes to trade from. The plan should be 1:1250 scale. The plan should also clearly identify the site boundary with a red line.

See Note on page 10 regarding Traffic Restriction Orders.

- c. For mobile street to street traders - a list of all the streets where the proposed trading is to take place. You must also give details of the days and times you intend to trade.
- d. Two passport size photograph of the applicant and any other person assisting, taken within the last 12 months prior to the making of the application.
- e. Photographs of the trailer / vehicle or stall to be used.
- f. An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks.

- g. **For a Food trader:** New businesses - confirmation from the local authority Environmental Health Department where the mobile vehicle is normally kept, that the business is registered with them. Existing businesses - latest inspection report / proof of compliance with food safety standards i.e. EC Regulations 852/2004.
 - h. Details of any signage / advertising relating to the street trading unit should be provided in order to assess the impact on local amenity.
 - i. A completed risk assessment where a large or complex street trading event is proposed. The risk assessment must be completed by a competent person and identify any control measures deemed appropriate after assessment.
 - j. ADIPS Certificates for funfair or similar rides.
- 6.5 A consent holder may employ any other person to assist him/her with trading without the need for any further consent. Each supervised assistant must be named on the traders consent and they must each have a copy of that consent [which will detail any conditions that the consent is subject to] which they must carry with them when employed. Copies will be supplied for this purpose.

Note: The Children and Young Persons Act 1933 and Staffordshire County Council by-laws cover the rules that apply to young persons under the age of 16 being employed. You are directed to the Staffordshire County Council website for further information: <http://www.staffordshire.gov.uk/education/welfareservice/EmploymentofChildren/home.aspx>

- 6.6 Submitting the application form and related information **does not** allow the applicant the right to start trading. You can only begin to trade on receipt of your Street Trading Consent documentation.

6.7 All applications should be completed and sent to:

South Staffordshire Council
Environmental Health & Licensing Service
Council Offices
Codsall
South Staffordshire WV8 1PX

THE APPLICANT IS RESPONSIBLE FOR ENSURING THAT:

1. That all legislation relevant to the business is complied with.

2. There is proper and adequate insurance cover for all eventualities including public liability insurance cover. The Council will not be held responsible for any acts or omissions arising from the granting of the consent.
3. That where trading is on private land permission is obtained from the owner and/or occupier. A fee may be charged by them for the use of the land which is separate from the Council's consent fee.

7. Stage 2- Consultations

7.1 Before an initial street trading consent is granted, (or renewed) the Council will consult with and seek written representations from appropriate organisations and other enforcement agencies. A copy of the application will be sent within five working days of receipt to the following:

- Staffordshire Police;
- Staffordshire Fire & Rescue Service;
- Highways (Staffordshire County Council);
- Highways England;
- Trading Standards (Staffordshire County Council);
- South Staffordshire Officers including:
 - Food & Health & Safety Team;
 - Environmental Protection Team;
 - Development Management (Planning);
 - Planning Enforcement;
- Relevant District and Parish Councillors;
- Other Local Authorities where relevant.

7.2 **The above will be expected to submit any** written representations within a **15 day period**. If they do make representations then the same will be taken into consideration when determining an application.

8. Stage 3-Site assessment

8.1 If appropriate, an assessment will be made of the proposed site to determine whether it is suitable for the type of trading proposed.

9. Stage 4-Matters for consideration in assessing the application

9.1 The Environmental Health & Licensing Team Manager [acting under the authority of delegated powers], will use the criteria listed below to assist in determining any street trading consent applications.

Any representations made about the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Each case will be assessed on its own merits.

9.2 Street trading consents will **not** normally be granted where there is one or more of the following:

- **Public Safety:** Where the location of the proposed activity presents an unacceptable risk to the public for instance in terms of road safety, obstruction, fire hazard etc. The term “public” includes the trader, any staff or visitors together with customers and anyone else using the street.

-Where any proposed trading is within 50 metres of a school entrance, the Council will seek the views of the school.

- **Avoidance of Nuisance:** Trading must not present an unacceptable risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from council officers, other enforcement officers and the police shall be taken into consideration.
- **Prevention of Crime and Disorder:** The street trading activity should not present a risk to good public order in the locality in which it is situated. This may for example be an issue in respect of applicants wishing to trade at later hours. Observations and comments from Staffordshire police will be taken into consideration.
- **Suitability of the trading unit:** Both internally and externally the unit should be of a good quality design, safe construction and not adversely affect the amenity of the locality. The Council expects a high standard of presentation and appearance from its street traders. Tables or stalls used for street trading shall not normally be more than 4 meters in length and 1 metre in width. No items shall be placed on the floor or within half a metre of it. Bread trays/baskets or similar containers must not be used to provide storage, shelving, support or display for goods; and items placed next to the stall or table must be immediately adjacent to it.
- **Needs of the Area:** The adequacy of other trading outlets will be taken into consideration in relation to:
 - The presence of like outlets already existing in the immediate locality (50 metres) of the proposed street trading site.
 - The general needs of a locality, should no comparable outlets exist.
 - Where there is uncertainty as to whether there is a genuine need for the trader’s business then the applicant may have to demonstrate to the Council the need for the proposed trading activity.
 - Consent holders may be asked to move their trading position from time to time, if it is considered necessary to do so by the Council.

- **Compliance with legal requirements:** The proposed street trading activity should be carried out from a trading unit that complies with all the relevant legislation.

The vehicle, van, trailer, stall, unit or other device to be used for the proposed street trading activity may require inspection by an authorised officer of the Council before the issue of any street trading consent. This will particularly be the case where food and health & safety officers need to inspect trailers etc. from which it is proposed to sell food items. Traders will need to comply with the following legislation and any Orders or Regulations and any subsequent revisions:

- Food Safety Act 1990;
- Food Safety & Hygiene (England) Regulations 2013;
- Health and Safety at Work etc. Act 1974;
- Environmental Protection Act 1990;
- Licensing Act 2003; [only if providing hot food or drink between 11.00pm and 5.00am]
- Town and Country Planning Acts;
- Road Traffic Acts;
- Trading Standards legislation.

Traffic Restriction Orders: Comments from the Highways Authority will be taken into account.

Planning Permissions and Consents: Comments from the Planning Authority will be taken into account.

- **Suitability of the applicant:** Previous failures, without reasonable explanation to comply with relevant legislation, failure or neglect in paying consent to trade fees may result in a consent being refused, revoked or not renewed.
- **Permitted Trading Hours:**
Each application will be judged on its own merits. Trading will only be permitted at such times as no nuisance will be caused.
- **Market days:** Street markets will take priority over consent holders.

10. Stage 5 - Approval of applications

- 10.1 Upon grant of an application, the Council will issue a street trading consent to which conditions will be attached. The consent will also contain specific terms such as the duration of the consent, days and hours when street trading is permitted and the goods that may be sold. Care must therefore be taken when listing the goods which are to be sold on the application form.

No goods may be sold which are not specified on the street trading consent.

- 10.2 A copy of the Council's standard conditions, which are attached to all street trading consents, is shown in **Annex 4**. Additional conditions may be attached to particular consents where this is deemed to be reasonably necessary so as to meet the objectives of the consent regime.
- 10.3 The conditions and information attached to the consent, form part of the approval to carry out street trading in the District of South Staffordshire. 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 **MUST** therefore familiarise themselves with the terms and conditions attached to their street trading consent.
- 10.4 The consent is personal to the consent holder and shall not be construed as creating a tenancy or lease.
- 10.5 The rights and benefits contained in the consent are limited to the person named on the consent and may not be assigned, sold or otherwise transferred without the written approval of the Council.
- 10.6 A Street trading consent for any particular site will be issued for a maximum period of 12 months. Non-payment of fees or instalments will lead to the consent being revoked. Further information on fees and payment methods is contained in **Annex 3**
- 10.7 Shorter term consents may be issued on either an occasional basis or half-yearly basis, particularly where new applicants intend to trade in non-established goods or within a new area.
- 10.8 Street trading consents may be posted to the applicant if time constraints permit. In all other cases, the consent will be issued at the Council offices in Codsall. The applicant must attend in person to collect any documentation.
- 10.9 **More than one application:** Where more than one application is received for a particular site, on the same day, then the competing applications will be presented to the Council's Licensing and Regulatory Committee or Sub-Committee for consideration. The applicant who can demonstrate that they have the best overall offering in terms of ability to meet the needs of consumers, effect on the amenity etc. will be granted the consent.

Multiple applicants for 'street to street traders' will not be subject to this process, but will still require a street trading consents.

This would be the case for both new applications and renewals.

10.10 **Changes to the consent:** Changes, such as to the consented goods may require a new application to be made and further consultation to be sought.

However, minor amendments such as change of day or the addition of related items to the consent, may be made however; the current administration fee will be charged.

10.11 **Offences:** The following are offences under the Local Government (Miscellaneous Provisions) Act 1982 and will be considered for prosecution:

- Street trading in a consent street without a relevant consent (or in breach of condition) to trade;
- Street trading with a consent to trade, but not complying with the times or location stated within the consent to trade

All decisions regarding enforcement action will be made in accordance with the Council's Enforcement Policy and the Enforcement Concordat adopted by South Staffordshire District Council.

THE ISSUING OF A CONSENT DOES NOT

- **Indicate that planning permission is not required.**
 - **The possible requirement for planning permission applies to all streets, whether or not they have been designated consent streets.**
 - **The grant of one or more street trading consents does not give the trader immunity from planning control.**
- **Indicate that the unit is exempt from business rates.**
 - **The trading concessions may be rateable even though the unit/stall may not be permanent. Case law exists which upholds this principle. In the event that the Valuation Officer saw fit to rate these concessions the trader may be regarded as the rateable occupier.**
- **Override parking restrictions or any other traffic regulations.**
- **Imply approval from the highway authority or any other person or authority.**

11. RENEWALS OF CONSENTS

11.1 Consents will expire on the date specified. Applicants who wish to continue trading should submit renewal applications at least **28 days** prior to expiry of any current consent.

The renewal process is the same as for an initial application. The time period remains the same although the Council will allow a trader to carry on trading until such time as a determination of the renewal application has been made and, where not renewed, a decision by the Licensing sub-committee has been made – see below.

The above is the general position however the **Council retains the right where appropriate to decide that a trader is not allowed to trade beyond the expiry of the initial period.**

- 11.2 Any changes that may have taken place since the previous application, such as a new vehicle; changes in employees etc. must to be brought to the attention of the Council.
- 11.3 In all cases, where a consent has expired and an application has not been submitted before the expiry date then a new application will have to be made. In such cases, the application may be required to go through the full consultation process outlined in this Policy.

This may affect your right to trade or result in the loss of the trading pitch.

12. CONSENT REFUSED

- 12.1 If the Environmental Health & Licensing Team Manager refuses a street trading consent, the applicant will be notified in writing of the decision and the reason for the refusal.
- 12.2 'The Act' does not facilitate any **legal** appeal against the decision of the Council in relation to the refusal of street trading consents.

However the Council does however operate an internal appeals procedure. See Paragraph 17.
- 12.3 Where an application is refused then the fee will be refunded minus the current administration/consultation fee.

13. DECISION NOT TO RENEW OR TO REVOKE A STREET TRADING CONSENT.

- 13.1 If the Environmental Health & Licensing Team Manager determines not to renew or to revoke an existing street trading consent the applicant / consent holder will be notified in writing of the decision and the reason for not renewing or revoking the consent.
- 13.2 Street trading consents may be revoked with immediate effect where, bearing in mind the aims of the consent regime, it is deemed by the Council to be appropriate.
- 13.3 'The Act' does not facilitate any **legal** appeal against the decision of the Council not to renew or revoke a street trading consent.

However the Council does operate an internal appeals procedure, see paragraph 17.

14. ENFORCEMENT POLICY: REFUSAL OR REVOCATION

The following grounds will be considered for refusing an application or revoking consent:-

- 14.1 That there is not enough space in the street for the applicant/consent holder to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons using the street. This is a relevant consideration even if the circumstances have arisen since the initial grant of a consent.
- 14.2 That the applicant/consent holder has failed to comply with the conditions and information of the consent or any statutory requirement relevant to street trading (e.g. hygiene or safety requirements).
- 14.3 That the applicant/consent holder is unsuitable to hold consent by reason of having been convicted of an offence material to public safety, public order, littering or pollution.
- 14.4 That the consent holder's vehicle, van, trailer, stall or other device has been the focus for incidents involving public disorder or nuisance.

15. IF YOU INTEND TO CEASE TRADING or NO LONGER TRADING.

- 15.1 The consent holder will be required to return all Street Trading documentation with a written explanation as to why they have ceased trading. Once this is received within the department, then arrangements for any refund of fees will be made. Any reimbursement will be strictly from the date the consent is returned to the Council.
- 15.2 Refund of any fees paid to the Council in connection with the granting of a street trading consent will be based on the number of complete days remaining divided by the average daily charge from the fee paid. You will be responsible for all outstanding monies.
- 15.3 An administration fee will be chargeable.
- 15.4 **Non-trading for a period in excess of four weeks may lead to the consent being revoked.** The Council's Licensing Team should be notified if there are any periods of non-trading because of circumstances, such as holidays etc. Notification can be by email.

16. IF YOU INTEND TO SELL YOUR BUSINESS.

- 16.1 The consent holder will be required to **return all** Street Trading documentation with a written explanation of the decision.
- 16.2 Please also inform us of any purchaser, so the relevant street trading forms can be sent to them. We will then deal with them as a new business.
- 16.3 Street Trading Consents are **not** transferable

**17. SOUTH STAFFORDSHIRE DISTRICT COUNCIL:
APPEALS PROCEDURE**

- 17.1 A street trading consent holder may appeal against any decision to refuse, not renew or revoke a street trading consent or against any conditions / information attached to a consent. If they wish to do so they should write to the Environmental Health & Licensing Team Manager within 5 working days of the receipt of the Council's original decision. The appeal must set out the grounds for the appeal by the applicant/ former consent holder
- 17.2 The appeal will be determined by the Council's Licensing and Regulatory Committee or Sub-Committee whose decision will be final. Applicants however may be able to avail themselves of the legal Judicial Review procedure, however any applicant/ trader who does wish to consider this option is advised to take independent legal advice.

18. COMPLAINTS AGAINST THE SERVICE

- 18.1 The Council has a corporate complaints procedure; copies of which are available from the Council Offices or on the Council's website www.sstaffs.gov.uk.

- 19. This policy will be the subject of periodic monitoring and review.

Contact Details:

South Staffordshire District Council,
Environmental Health & Licensing Service,

Council Offices,
Wolverhampton Road,
Codsall,
South Staffordshire.
WV8 1PX.

Tel: 01902 696000 Fax: 01902 696222
Email: licensing@sstaffs.gov.uk

CONTACT DETAILS
These details may be useful:

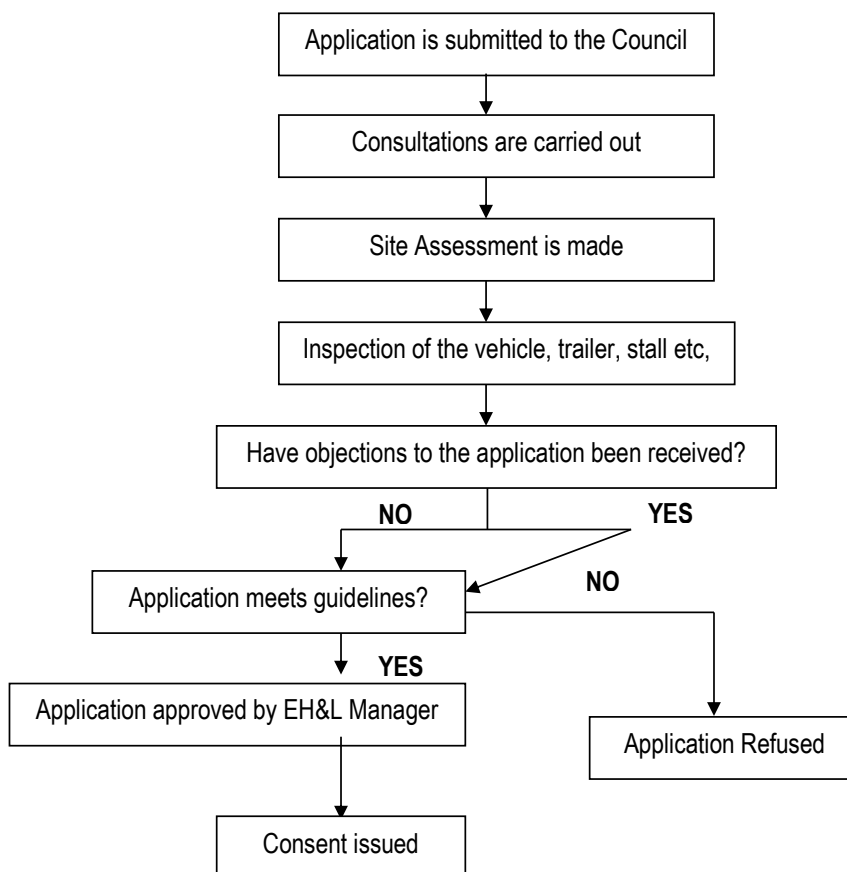
SUBJECT	DETAILS
Licensing Team	Tel: 01902 696000 Fax: 01902 696222 Email: licensing@sstaffs.gov.uk
Food & Health Safety Team	Tel: 01902 696000 Fax: 01902 696222 Email: env.commercial@sstaffs.gov.uk
Planning (Development Management Services)	Tel: 01902 696000 Email: dcapps@sstaffs.gov.uk

Highways (Staffordshire County Council)	Tel: 0300 111 8000 Email: highways@staffordshire.gov.uk
Highways England	Tel: 0300 123 5000 Email: info@highwaysengland.co.uk
Trading Standards (Staffordshire County Council)	Tel: 0300 1118045 Email: businessadvice@staffordshire.gov.uk
Staffordshire Police	Tel: 101
Staffordshire Fire	Tel: 08451 22 11 55 Email: webmaster@staffordshire.gov.uk

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ANNEX 1
PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

The application and approval procedure comprises of the following stages:



NOTES FOR APPLICANTS

The Council will normally attach Standard Conditions to a street trading consent. These are given in **Annex 4**.

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ANNEX 2

SOUTH STAFFORDSHIRE DISTRICT COUNCIL

**APPLICATION FOR PERMISSION TO USE LAND
(STREET TRADING CONSENT)**

I wish to apply for a New / Renewal * Consent to trade at an agreed location in the area shown below within the South Staffordshire District Council area.
(* delete as appropriate. For Renewals complete Sections 1,2,3 & sign form)

1. Applicant to be Consent Holder

Full Name	Date of Birth (you must be over 17yrs of age)
Trading Name	
Address	Telephone Home
Post Code	Mobile
	Email

2. Nominated assistants/employees

Name	Address	DOB
Name	Address	DOB
Name	Address	DOB
Name	Address	DOB

3. Site Location *(Please attach a plan including proposed layout, if appropriate)*

Address & description of land to be used

4. Details of Unit

- Please describe the unit from which you propose to trade (include photographs):

- Further details such as size, type, additions:

- Details of Registration Number or Numbers:
- Is a vehicle to form part of your stall?
- Where will the unit be kept outside trading hours? Please state address

5. Proposed Hours of Trading

(If you propose to trade after 2300hrs or before 0500hrs, please provide details of your Premises Licence)

6. Date(s) for which permission is requested *(Total Number of Days)*

7. Nature of goods to be sold /purpose of street trading request
If food is to be sold, where will it be prepared and stored outside trading hours?
8. Details of any signage/advertising proposed

- For **NEW** applications this form must be accompanied by:
- A copy of your Public Liability Insurance.
 - The relevant payment fee. Amount £.....
 - A Risk Assessment completed by a competent person
(If required-normally for larger events only)
 - Two recent passport size photograph of the applicant(s) and others assisting
 - Photograph of vehicle
- For **RENEWAL** applications this form must be accompanied by:
- A copy of your Public Liability Insurance.
 - The relevant payment fee. Amount £.....
 - A Risk Assessment completed by a competent person
(If required-normally for larger events only)

I hereby make application for permission to use the land specified. If permission is granted, I hereby undertake

- (a) to indemnify South Staffordshire District Council against any claims, actions, losses or demands which may be made against the Council, or which may incur in respect of injury (including fatal injury) to persons or damage to property (including damage to Council property) arising out of the use of the land as specified above, providing that such injury or damage is not caused by the negligence of the Council, its servants or agents, and
- (b) to effect any necessary insurance to support the indemnity.

Signed	Date
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Please return the completed application form to:
 South Staffordshire District Council, Environmental Health & Licensing,
 Council Offices, Codsall, South Staffordshire, WV8 1PX.
 Tel. 01902 696000 Fax 01902 696222
 email Licensing@sstaffs.gov.uk

For Office use only	
Receipt reference:	Date consent issued

YOUR GUIDE TO DATA PROTECTION

The Data Protection Act 1998 gives you rights, as our customers, about how your personal information is obtained and used by South Staffordshire Council. The Act also places obligations on the Council.

This Guide informs you of your rights under the Data Protection Act and details how we handle your information.

WHAT INFORMATION DO WE HOLD AND HOW DO WE OBTAIN IT?

In addition to the information that you provide to us, we generally receive information about you from one or more of the following sources:

- The Police
- Local Government Departments
- Other Government Agencies

FOR WHAT PURPOSES DO WE HOLD THE INFORMATION?

We use your information for one or a number of purposes, which are outlined below:

- To process your Licensing application, enforcement and issue a Licence
- To maintain a public register when appropriate
- We Must protect the public funds that we handle, so we may use the information you have provided on this form for the prevention and detection of fraud and crime. We may also share this information for the same purpose with other organisations that handle public funds, and bodies involved in the investigation and detection of crime.

CARING FOR YOUR DATA

We undertake that we will have in place a level of security appropriate to the nature of the data and the harm that might result from a breach of security.

We further undertake that we will:

- Not hold information about you which is excessive in relation to the purpose for which it is processed
- Keep any information about you accurate and, where necessary, up to date. To help us do this, please keep us informed if any of your details change.
- Not keep data processed for any purpose or purposes longer than necessary
- Process your information in accordance with your rights under the Data Protection Act.

YOU HAVE CERTAIN RIGHTS UNDER THE DATA PROTECTION ACT IN RELATION TO THE INFORMATION THAT WE HOLD ABOUT YOU. IF YOU REQUIRE FURTHER INFORMATION ABOUT THESE RIGHTS, PLEASE WRITE TO:

Assistant Director Democratic and Regulatory Services
South Staffordshire Council
Council Offices
Codsall
South Staffordshire WV8 1PX

IF YOU WOULD LIKE TO KNOW MORE ABOUT YOUR RIGHTS IN RESPECT OF THE PROTECTION OF PERSONAL DATA, WRITE TO THE:

Data Protection Commissioner's Office
Wycliffe House, Water Lane
Wilmslow
Cheshire
SK9 5AF
Or telephone 01625 5645700 (Switchboard)

I understand that my application form will be accepted subject to the provision listed above and agree that my information may be used for these purposes.

Signed	Date
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ANNEX 3

FEES, CHARGING SCHEME AND METHOD OF PAYMENT

	Annual Fee			Administration Fee
All other traders	£447.50			£30
Street to Street traders	£125			£30

For Occasional or short-term consents an appropriate pro-rata fee will be calculated for the individual consent.

METHOD OF PAYMENT

1. A self-service facility is available at the Council Office for cash or cheque payments made in person. Cheques will also be accepted by post.
2. Full payment for the duration of the Consent can be paid by card in person, by telephone or online.

Exemptions from consent street charging fees:

Permits issued to registered charities and non profit making organisations may be exempt from the consent street trading charges (See point 3.2)

Reimbursement of Fee:

Fees will be reimbursed to Consent Holders on application where they cease to trade and surrender their Consent to the Council less any costs already incurred by the Council.

ANNEX 4

STANDARD STREET TRADING CONDITIONS

AS ADOPTED BY SOUTH STAFFORDSHIRE DISTRICT COUNCIL

1. No person employed by the consent holder to assist him/her in the street trading shall be under the age of 17 years.
2. The conditions attached to all street trading consents stipulate that a consent holder shall not transfer, assign, sub-let or part with his interest or possession of a street trading consent.
3. The holder of a consent, apart from an occasional consent holder, should attend the trading site at least once every trading week.
4. The holder of an occasional consent must be present at the trading site at all times within which trade is taking place.
5. Street traders must display a copy of their consent in a position where it can be read by members of the public on the stall or vehicle at all times during which trading takes place.

The address of the consent holder, along with a photograph of them and any assistants; and any permitted vehicles registration number, must be printed on the rear of the consent. The consent must be made available for inspection by the police or authorised officers upon request.

6. Only items specifically listed on the consent may be sold or exposed or offered for sale.
7. A trader must not trade from any area other than the site defined in their consent to trade.
8. A consent holder must have Public liability insurance in force before they begin to trade. This insurance must be for an amount sufficient to indemnify the Council from and against all claims, damages, losses, expenses or costs how so ever arising out of the trading activities of the consent holder.
9. Trading activities must not pose any risk to public safety.
10. Street traders to be authorised to trade only from approved stalls or vehicles and to be required to notify the licensing section of any change of unit for written approval to operate.
11. Street traders must maintain stalls and vehicles in a clean state and their structure in good order, repair and condition.

12. If the street trading activity is carried out after dusk, the site must be adequately lit to allow safe access and egress from the site for both customers and staff.
13. Street traders must conduct their business in such a manner as to ensure that they do not:-
 - (a) Cause a nuisance to the occupiers of an adjoining property.
 - (b) Cause an obstruction to other vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of an adjoining property or to other users of the street.
14. Street traders must not carry out any process or operation which may give rise to nuisance by reason of noise, vibration, smoke or smell.
15. Street traders must not sell or display for sale goods within 50 metres of an established [which means trading before the consent holder began to trade] commercial premises dealing in the same commodities.
16. No street trader must sell or display for sale goods within 50 metres of any school premises, unless specific approval to do so is included in the Consent.
17. Street traders must supply for trade/ customer use suitable impervious refuse storage containers both on the stall or vehicle and also adjacent to it if necessary.
18. Street traders must remove all refuse and waste from the trading site by the end of each working day.
19. There shall be no discharge to drains and no unauthorised depositing of either solid or liquid matter. Street traders should actively prevent windblown or other litter occurring and must not use public litter bins to dispose of their waste.
20. Consent holders must allow access to authorised officers of the Council and police officers at all times.
21. The consent holder must inform the Council in writing of a change in their home address during the period of the consent within seven days of such a change taking place.

22. **Code of Practice for Mobile Street Traders:**

This code of practice applies to ice cream vans and mobile traders granted a street trading consent. Failure to comply with the code of practice may result in prosecution and/or the consent being revoked. Any reference to an ice cream van means a vehicle adapted for the sale of ice cream and which only sells ice cream, cold soft drinks and frozen lollipops.

Ice cream vans must:

- Move from position to position remaining stationary for no more than 5 minutes to initially attract customers and thereafter only long enough to serve customers present;
- Ensure that any stopping position does not infringe any parking or traffic requirements or cause obstruction of the highway, and does not present any dangers to other road users or pedestrians;
- Not stop within 50 metres of school grounds during the school day unless allowed to do so by a specific consent;
- Ensure that all conditions on the street trading consent are adhered to.

Sounding of Chimes (Based on the National Code of Practice):

Chimes and other audible signals should not be sounded:

- For longer than 4 seconds at a time – an automatic cut out should be used;
- When the vehicle is stationary;
- Except on approach to a selling point;
- When in sight of another mobile trader which is trading;
- Louder than 80 dB(A) at 7.5m distance from the vehicle.