



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Street Trading Policy

The Local Government (Miscellaneous Provisions)
Act 1982

Contents

Section	Page
1 Introduction	2
2 Overview of Legislation	2
3 Designation of Streets	4
4 Street Trading within Town Centre Managed Sites	5
5 Special Events	5
6 Nature of Goods on Offer & Proximity to Other Traders	6
7 Site Assessment	6
8 Criminal Records Check for Ice Cream Sellers	7
9 Application Process	7
10 Determination of Application	8
11 Duration of Consent	9
12 Surrender	10
13 Revocation	10
14 Conditions	10
Appendices	11

1 Introduction

- 1.1 The purpose of this policy is to set out a framework for the regulation of street trading in Stockport.
- 1.2 The policy fully complements and supports the key outcomes of the Council Plan and in particular aims to create a street trading environment which supplements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local communities. The policy also seeks to ensure that street trading activities do not cause nuisance or annoyance to the residents of Stockport or cause obstruction on the streets.
- 1.3 Stockport Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with effect from 1st April 2001 in relation to street trading and this policy relates to all street trading activities within the Borough of Stockport.
- 1.4 Whilst each application will be dealt with on its own merits, the policy outlines the street trading application process and what is expected of street trading Consent holders once Consent has been granted.
- 1.5 Throughout this policy any reference to 'the Council' means Stockport Metropolitan Borough Council and any reference to the 'the Act' means the Local Government (Miscellaneous Provisions) Act 1982.

2 Overview of Legislation

- 2.1 The controls relating to street trading are governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In 2001 the Council resolved that Schedule 4 should apply to its area.
- 2.2 Paragraph 4 to Schedule 4 defines 'street trading' as the selling or exposing or offering for sale of any article (including a living thing) in a street but does not include the following:
 - a) trading as a pedlar under the authority of a 'Pedlars Certificate';
 - b) anything done in a market or fair when the right to hold the said market or fair was acquired by virtue of a grant, enactment or order;
 - c) trading in a trunk road 'picnic area';
 - d) trading as a news vendor;
 - e) trading at a petrol station; or

- f) selling things as a roundsman;
- 2.3 The reference to trading as a news vendor in 2.2 above is a reference to trading where:-
- a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:-
 - i) exceed 1m in length or width or 2m in height;
 - ii) occupy a ground area exceeding 0.25m² ;
 - iii) stand on the carriageway of a street;
- 2.4 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment.
- 2.5 In accordance with the definition of a street in Schedule 4, anyone trading on private land, to which the public have access without payment, is required to hold a Street Trading Consent, e.g. car parks.
- 2.6 Where trading takes place on private land, the applicant must ensure they have the appropriate planning permission and seek the land owner's permission to trade. Written permission from the land owner to trade on the land must be provided upon application.
- 2.7 It is the responsibility of the applicant to obtain both planning permission and permission to trade from the landowner prior to making an application for a Street Trading Consent. The grant of a Consent does not confer the right to trade on any private land without the permission of the landowner and in particular, the grant of a Consent does not confer the right to trade on any land owned or controlled by the Council without the specific permission of the Council.
- 2.8 A person will be liable to criminal prosecution if they:
- engage in street trading without the appropriate Consent as described in this policy;
 - engage in street trading in a prohibited street;
 - contravene any condition of the Street Trading Consent; or
 - make a false statement in relation to the application for a Street Trading Consent.

3 Designation of Streets

- 3.1 The Act states that a Local Authority can designate its streets in three ways, which are:-
- 'Consent Street' - street trading is prohibited without the consent of the local authority;
 - 'Licence Street' –street trading is prohibited without a licence granted by the local authority; or
 - 'Prohibited Street' - street trading is prohibited.
- 3.2 Whilst the Council has resolved that the majority of streets in the Borough of Stockport will be designated as 'consent streets', a number of streets have been designated as 'prohibited streets'. Streets designated as 'prohibited streets' in Stockport town centre are shown in the map attached in Appendix B.
- 3.3 Additionally a street trader shall not trade on the following named streets around Stockport County Football Club, for two hours preceding and after the first team play a match at home or on any other occasion deemed by the Council:-
- Hardcastle Road, Edgeley
Arnold Street, Edgeley
Worral Street, Edgeley
Caroline Street, Edgeley
Duchy Street, Edgeley
Mahood Street, Edgeley
Gee Street, Edgeley
Robinson Street, Edgeley
Herbert Street, Edgeley
Jennings Street, Edgeley
Clwyd Avenue, Edgeley
Dale Street, Edgeley
- 3.4 A street trader shall not at any time trade on Jacksons Lane lay-by.
- 3.5 There are currently no streets designated as 'licensed streets' in Stockport.
- 3.6 The list of designated streets at Appendix B does not form part of this policy document, although they may be referred to within it. How a street is designated could be subject to change during the duration of this policy, but such amendments may necessarily not result in a review of this policy.

4 Street Trading within Town Centre Managed Sites

- 4.1 Within Stockport town centre there are four managed sites that have been specifically created for outdoor activities, promotions and events. Three of these sites (Mersey Square, St Peter's Square and Warren Street) are managed by the Council's Town Centre Management Team and one (Town Square Merseyway) is managed by Merseyway Shopping Centre.
- 4.2 Anyone wishing to use or occupy the town centre managed site at Town Square, Merseyway must apply through the Management Team at Merseyway Shopping Centre.

5 Special Events

- 5.1 Special Events such as Christmas markets, farmers' markets, fetes, carnivals and fayres will require one Street Trading Consent to cover the whole event. This policy is aimed at promoting community events and encouraging local business. One application and fee will be payable by the organiser per event.

N.B. The landowner's permission must be sought on each occasion.

- 5.2 The application must be made by the person who is responsible for organising the event.
- 5.3 Street Trading Consents for Special Events will be granted for a specified date and time up to a maximum of four days.
- 5.3 Upon application the organiser of a Special Event must provide a list of the names and addresses of all traders who will be participating in the event. If this is not possible at the time of application the list must be submitted at least 5 working days before the event goes ahead. Each registered trader must wear a Consent badge in accordance with the Street Trading Consent Conditions.
- 5.4 Traders participating in Special Events such as Christmas markets, farmers' markets, fetes, carnivals and fayres will not require a Street Trading Consent so long as they are trading in conjunction with an event for which a Street Trading Consent has been granted.
- 5.5 Occasional sales of articles by householders on land within the curtilage of their homes such as garage sales will not require a Street Trading Consent.
- 5.6 Where events take place on Council owned parks or require closure of the highway, permission must first be sought and granted by the Council's Green Spaces and Highways Departments respectively.

6 Nature of Goods on Offer & Proximity to Other Traders

- 6.1 The nature of goods which may be sold under the Consent will be specified upon application and any deviation from the approved list, without consultation with the Local Authority, may result in the Consent being revoked.
- 6.2 The Council will not grant a Consent to allow any street trader with a fixed location to sell the same or similar goods within 50 metres of an existing fixed retail business, while those premises are open for business.
- 6.3 The Council will not grant a Consent to allow any street trader to sell the same or similar goods within 50 metres of an existing street trader, while that street trader is open for business.
- 6.4 Any person who has been trading without a Consent does not have any right to continue trading in that location should a Consent be granted to another person.

7 Site Assessment

- 7.1 In determining whether to grant a particular Street Trading Consent the Council will have regard to:
- any effect on road safety, either arising from the siting of the pitch/activity or from customers visiting or leaving that pitch/activity;
 - any loss of amenity caused by noise, traffic or smell;
 - existing Traffic Orders e.g. waiting restrictions;
 - any obstruction to the safe passage of vehicles or pedestrians;
 - the safe access and egress of customers and staff from the pitch and immediate vicinity;
 - whether there is sufficient space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street; and
 - whether there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade.

8 Criminal Records Check for Ice Cream Sellers

- 8.1 Ice cream sellers will be required to provide a Basic Disclosure upon every application of their Street Trading Consent. A Basic Disclosure may be obtained at <https://www.gov.uk/request-copy-criminal-record>
- 8.2 A Basic Disclosure must be dated less than one month prior to receipt of the application for a Street Trading Consent.
- 8.3 Any assistants associated with the Street Trading Consent must also submit a Basic Disclosure dated less than one month prior to receipt of the application for a Street Trading Assistant. Any assistant applied for during the duration of the consent must also provide a Basic Disclosure which must be dated less than one month prior to receipt of the Disclosure.
- 8.4 If any convictions are recorded on the Basic Disclosure, the application will be referred to the Head of Public Protection for further consideration as to whether the Licensing Authority wishes to object to the grant of the Consent and refer to Area Committee.
- 8.5 If any convictions are recorded for an assistant, the application will be referred to the Head of Public Protection for further consideration as to whether the Licensing Authority wishes to object to the grant of the Consent and refer to Area Committee.

9 Application Process

- 9.1 Any application for a Street Trading Consent must meet the following criteria:
- the applicant must be over 17 years of age;
 - the application must be made using the correct application form;
 - the name of the business must not be the same as, or similar to, that of an existing static retail business; and
 - the application must be accompanied by the relevant fee.
- 9.2 The application form must be completed in full.
- 9.3 The application must be accompanied by the following documents:
- Proof of identity, e.g. driving licence, passport.
 - Proof of current address, e.g. recent utility bill, driving licence.
 - Proof of current appropriate motor vehicle insurance for business use for any vehicle that will be used to transport the vehicle from which

you will be trading. This will either be the vehicle itself, e.g. ice cream van, or the vehicle used to tow it;

- Proof of current public liability insurance for the vehicle from which you will be trading to the minimum value of £5,000,000;
- Current MOT Certificate for the Vehicle;
- Proof that the business has been registered as a Food Business Establishment with Environmental Health;
- Two recent passport sized photographs of the applicant and any named assistant;
- Map indicating the precise location from where the applicant wishes to trade;
- Photograph of the trading vehicle;
- Ice-cream sellers and all named assistants must provide a Basic Disclosure Certificate dated within the last 28 days;
- In the case of an application to trade on private land, written permission from the landowner; and
- In the case of applications for Special Events, a list of the name and address of all traders who will be trading as part of the event. If this cannot be provided at the time of application it must be submitted at least 5 working days before the event is held.

9.4 All documents listed in paragraph 9.3 must be submitted at each application. However, the Registration of a Food Business form is only required upon first application.

9.5 Failure to follow the application procedure may result in the application being rejected or delayed.

9.7 Once the application is complete and has been accepted, the Council will either:

- grant the application as applied for;
- grant the application with conditions or a variation to the application; or
- refuse the application.

10 Determination of Application

10.1 On 3rd April 2014 the determination of Street Trading Consents was delegated to the Corporate Director for Place Management and Regeneration, save in those instances where there have been two or more applications for a single pitch, where there have been objections or there is an appeal against the decision of the Corporate Director.

10.2 Applications are dealt with on a first come first served basis. If Consent for a desired location has already been granted, then the application will be

refused. In the event that multiple applications for the same site are received at the same time, then the applications will be referred to the appropriate Area Committee.

10.3 In the event of an application being refused and the applicant wishing to appeal the decision of the Corporate Director for Place Management and Regeneration then this will be referred to the appropriate Area Committee.

10.4 In the event of a complaint or objection being made about an application where the matter cannot be resolved between the applicant, objector and Licensing Officer, the application will be referred to Area Committee.

11 Duration of Consent

11.1 Street Trading Consents will be issued for a period of 12 months in the case of a standard application, and up to 4 days for a special event.

11.2 Street Trading Consents are non-transferable. A Consent may not be sold or given to another person. Where a business changes hands, the Street Trading Consent should be surrendered to the Council and a new Consent applied for.

11.3 There is no automatic right of renewal. However, the current holder of a Street Trading Consent may have the opportunity to re-apply for a further period of Consent. Such applications should be made at least 28 days prior to the expiry of the existing Street Trading Consent. Failure to do so may result in the location being made available to other applicants and priority will not be given in cases where more than one application is made for the same location (See paragraph 10.2).

11.4 Consent holders will usually receive correspondence that their Consent is due to expire however it is the responsibility of the Consent holder to ensure that they submit their application prior to the expiry of their Consent.

11.5 Applications for Street Trading Consents, where substantiated complaints have been received, may be referred to the appropriate Area Committee for determination.

11.6 An application to vary the location of a Street Trading Consent does not alter the expiry date of the original Consent. Where an applicant wishes the varied Consent to last 12 months, they must apply for a new Street Trading Consent.

12 Surrender

- 12.1 A Consent holder may surrender their Street Trading Consent at any time and it shall then cease to be valid. A partial refund may be issued.

13 Revocation

- 13.1 Where a complaint of a serious nature is made about a street trader, the matter will be investigated by the Licensing Team. If deemed appropriate the matter may then be referred to the Area Committee for further consideration.
- 13.2 Where a Street Trading Consent is revoked there is no right of appeal against the decision.
- 13.3 Where a Street Trading Consent has been revoked, no refund will be given.

14 Conditions

- 14.1 The Council is permitted to impose such conditions, as it considers reasonably necessary, on Street Trading Consents. Appendix A sets out the conditions that will normally be attached to a Street Trading Consent.
- 14.2 The conditions at Appendix A do not form part of the policy document, although they may be referred to within it. These conditions could be subject to change during the duration of this policy, but such amendments may not result in a review of this policy.
- 14.3 Failure on the part of the holder (or assistant) to comply with any of the conditions imposed may lead to the revocation of the Consent, or to the refusal to grant at the next application.
- 14.4 A Street Trading Consent does not override any other legislation, local acts or bylaws which may be in place.
- 14.5 A Street Trading Consent does not in any way imply that:
- Planning approval is granted, you are advised to contact the Planning Department to ascertain if any approvals are required;
 - Permission is granted to park on any land, highway, street or other place to trade.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consent - Conditions

1. The Consent given by the Council is not transferable and is applicable to the Consent holder only and where necessary will relate to a specific stationary van, cart, barrow or other vehicle or portable stall.
2. The Consent does not in any way imply that permission is granted to park on any land, highway, street or other place to trade.
3. The Consent holder may employ named assistants without a further Consent being required, but all assistants must be registered by submitting an Application for a Street Trading Assistant.
4. The Council's Consent Certificate shall be conspicuously displayed in a place visible to the public on the stall etc. to which the Consent applies.
5. The Consent remains the property of the Council at all times and must be returned to the Place Management and Regeneration Directorate on expiry of the Consent or on its revocation.
6. The holder of A Street Trading Consent may at any time surrender their Consent to the council and it shall then cease to be valid.
7. Consent badges shall be worn or conspicuously displayed at all times whilst trading. In the case of special events, each registered trader must wear their Consent badge.
8. The Consent holder and / or any assistant(s) employed shall not obstruct the street nor cause any danger to any person using the street.
9. The Consent holder and / or any assistant(s) employed shall not cause nuisance nor annoyance (whether to persons using the street or otherwise).
10. The Consent holder shall comply with these conditions and the provisions of all relevant legislation and shall ensure compliance by any persons who assist in the course of the trade.
11. Any vehicle used by the Consent holder in the course of the business shall be in a roadworthy condition and where applicable, taxed and insured.

12. The Consent holder shall not advertise for custom by use of any form of amplified speech or music, except in the case of an ice-cream vendor who may use amplified chimes during the permitted hours.

NOTE: Any use of such chimes must comply with the relevant Code of practice, i.e. Chimes must not be sounded:

for longer than 12 seconds at a time;
more than once every 2 minutes;
more than once when the vehicle is stationary at a selling point;
except on approach to or at a selling point;
when in sight of another vehicle which is trading;
when within 50 metres of schools, hospitals and places of worship;
more than once every 2 hours in the same length of street;
before 12:00hrs or after 19:00hrs.

13. Food Traders

- 13.1 The unit must comply with the Food Safety Act 1990 and / or Regulations made thereunder.
13.2 Suitable and sufficient receptacles for the collection of waste water shall be provided to any stall. All such waste water shall be properly disposed of.
13.3 The transport, storage and use of liquefied gas (LPG) shall be in accordance with the relevant Codes of Practice.

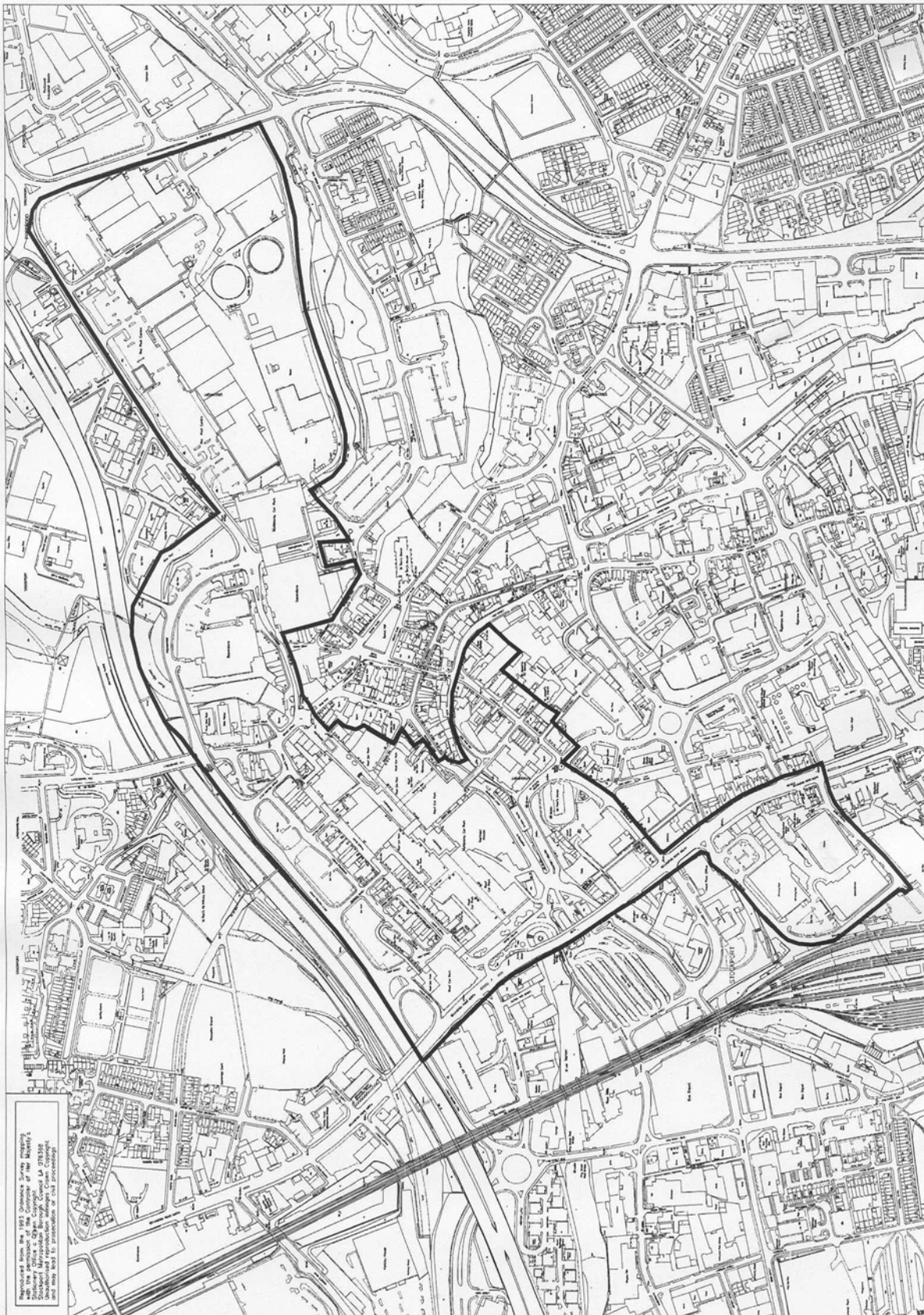
14. The Consent holder and / or any assistant(s) shall comply with any reasonable request made by either an authorised officer of the Council or a police officer.

Specifically

- 14.1 The Consent shall be produced either on request to either the authorised officer or Police Officer.
14.2 Requests regarding the display of either the Consent or ID badge shall be complied with immediately.
14.3 The Consent holder and / or any assistant(s) shall give the authorised officer or Police Officer such information as is requested, to enable those officers to undertake their duties under the relevant legislation.
14.4 The Consent holder and / or any assistant(s) shall comply with any requirement made by an authorised officer or Police Officer regarding the siting of operation of the street trading business.
15. The Consent is granted for a period of up to 12 months, but may be revoked at any time. The Consent shall be revoked:-

- 15.1 If the Consent holder fails to comply with any of these conditions and any special restrictions imposed by the Council in respect of a particular Consent.
- 15.2 If, in the case of a food trader, the Consent holder has been prohibited from trading under the Food Safety Act 1990.
16. The Council will make the Consent subject to conditions:
 - a) the location where the holder of the Street Trading Consent may trade by virtue of the permission; and
 - b) the times between which or periods for which they may do trade
 - c) the class of articles or things that may be traded
 - d) any other condition which the council deems appropriate.
17. All stalls
 - 17.1 Shall be adequately staffed at all times during the trading period.
 - 17.2 Shall be removed from the streets within one hour of the close of trading.
 - 17.3 Shall be capable of being removed immediately in the event of an emergency.
18. All traders without a fixed location, i.e. ice cream vans, shall have a maximum standing time of 20 minutes at any one location in any two hour period. They shall not trade within 50 metres of any other street trader, unless authorised in writing by the Council.
19. A street trader shall not trade on the streets listed in 19.1 around Stockport County Football Club for two hours preceding and after the first team play a match at home or on any other occasion deemed by the Council.
 - 19.1 Hardcastle Road, Edgeley
Arnold Street, Edgeley
Worral Street, Edgeley
Caroline Street, Edgeley
Duchy Street, Edgeley
Mahood Street, Edgeley
Gee Street, Edgeley
Robinson Street, Edgeley
Herbert Street, Edgeley
Jennings Street, Edgeley
Clwyd Avenue, Edgeley
Dale Street, Edgeley
20. The Council may at any time vary the conditions of the Consent, or the standard Conditions of street trading.

21. A street trader shall not at any time trade on Jacksons Lane lay-by.



Area within black line indicates prohibited streets