

STREET TRADING CONSENT USER GUIDE

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INTRODUCTION

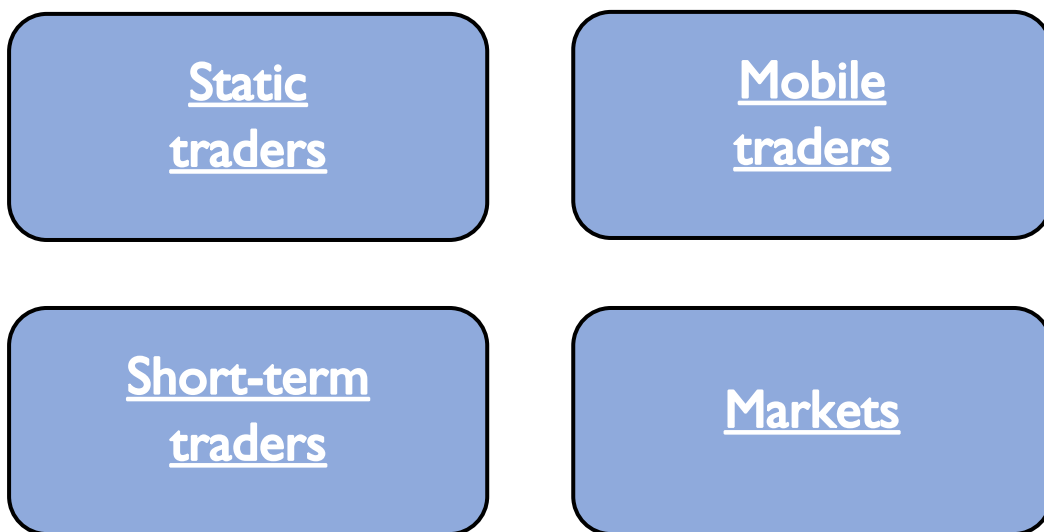
WHAT IS STREET TRADING?

Street trading is the selling or offering for sale any article (including food or drink) in the street from a van or stall. The term 'street' refers to part of any road, footway or other area to which the public has access without payment. This can include:

- Roads and Walkways
- Lay-Bys and Verges
- Footpaths
- Car-Parks
- Residential Streets
- Industrial Estates

TYPES OF STREET TRADING CONSENT

It's recognised that there are many different types of traders and therefore there should be street trading consent and attached conditions that are relevant to the trading that they do. Swindon Borough Council allow street trading consents to cover the following traders:



Examples of traders:

Hot food van	Fish and Chip van	Car Boot trader
Ice-cream van	Christmas market trader	Flower vendor
Coffee stand	Sandwich van	Fruit and veg stall

STATIC TRADERS

Static traders are issued consents for periods no longer than 1 year and are typically used for traders such as kebab/burger vans. You have an option to pay your application fee in one lump sum, or split them into four quarterly payments. However, if you choose to split your payments, this may come with an addition cost.

If you are planning on selling food then you will need to register as a food business. You can do this by visiting the [food business registration](#) page. Food vendors also need to take into consideration the clause in The Policy that restricts trading in close proximity (100m) to education facilities and public play parks – if you submit an application whereby the trading location is in contravention of this, it will likely be refused.

Upon application, you will be required to advertise your intention to trade from the proposed location by way of public notice. Further information about this can be found on [The Decision-Making Process](#) page below.

You may need to determine whether planning permission is required. You can apply by visiting the [apply for planning permission](#) webpage.

MOBILE TRADERS

Mobile traders are issued consents for periods no longer than 1 year and are typically used for traders such as ice-cream vans or mobile coffee vans. You have an option to pay your application fee in one lump sum, or split them into four quarterly payments. However, if you choose to split your payments, this may come with an addition cost.

If you are planning on selling food then you will need to register as a food business. You can do this by visiting the [food business registration](#) page. Food vendors also need to take into consideration the clause in The Policy that restricts trading in close proximity (100m) to education facilities and public play parks – if you submit an application whereby the trading location is in contravention of this, it will likely be refused.

Public consultations are not usually needed for these traders due to their limited impact on any specific area or community. However, as part of your application you will be required to submit a brief description of the areas in which trading is proposed – this could be a route outlined on a map or a list of streets or locations.

Mobile traders are restricted to the time that they are to stay in one location, and the time in which they can return to a specific location. If further time is needed for either, it is expected that this should be outlined within the applications with reasonings. It is generally considered that Ice Cream Traders do not require longer than 30 minutes to trade at any one location.

SHORT TERM TRADERS

Short term consents are issued for periods up to 1 month, unless exceptional circumstances are provided whereby allowance will be given up to 2 months. These consents are typically issued to those who are looking to trade an event or for a short period whereby a full street trading consent is not required. The application fee for this is determined by the length of time required.

Short term trader consents will typically be issued as long as all the requirements are met. However, this may not be the case should the application conflict with this policy and/ or valid representations are received that give rise to reasonable concerns that the licensing objectives will be adversely impacted upon

The Authority reserves the right to consult relevant authorities where this is deemed appropriate. The Authority is more likely to consult on such applications where the duration of a consent would be longer, where the activity is not contained within a specific event and/or where the scale of the event is more significant

MARKETS

Market consents are issued for periods up to 28 days (unless an extended period is agreed prior to submission with the licensing manager) and covers a number of stalls. These consents are typically issued to Christmas markets, artisan markets and car boots.

There must be at least 3 stalls in order for a market to be constituted.

Markets consents are not required for those who are already covered by a Market Charter or Order. If they are, they must operate within the terms of said Charter or Order.

Upon application, a full list of traders must be provided, providing details including:

- | | |
|---|-------------------------------------|
| (a) Name of the business; | (c) Contact details of the operator |
| (b) Full name and address of the operator | (d) Details of units |
| | (e) Details of products to be sold |

We understand that on some occasions, it may not be possible to produce the list in good time before the event. Therefore, the Licensing Manager may apply some latitude in this respect.

Markets must also have the following:

- (a) A nominated organiser
- (b) The approval of the local town or parish council and the chamber of trade.
- (c) It adds value to the town's trade through the provision of specialist products.
- (d) It does not operate in detriment to the local community.
- (e) If the application is made by an organisation, they must nominate a named individual who will be responsible for managing use of the consent.

If any stall holders are planning on selling food then they will need to register as a food business. They can do this by visiting the [food business registration](#) page.

Upon application, you will be required to advertise your intention to trade from the proposed location by way of public notice. Further information about this can be found in [The Council's Decision-Making Process](#) page below.

APPLICATION REQUIREMENTS

GETTING STARTED

If you want to start trading in the street, you will need to obtain a Street Trading Consent. In order to successfully apply for this, you will need to provide several supporting documents. These documents may be different depending on the type of trade that you carry out.

REQUIREMENTS	STATIC TRADER	MOBILE TRADER	MARKET TRADER	SHORT TERM TRADER
Application form.	✓	✓	✓	✓
Application fee.	✓	✓	✓	✓
Proof of eligibility to work in the UK.	✓	✓	✓	✓
A copy of a map of at least 1:1250 scale outlining the location of trade.	✓		✓	✓
A description of route or streets covered.		✓		
Details of vehicle or stall.	✓	✓	✓	✓
Details of products intended on being sold.	✓	✓	✓	✓
Documented permission of landowner trade from their land.	✓		✓	
A certificate of Public Liability Insurance covering at least £5,000,000.	✓	✓	✓	✓
A basic disclosure certificate (under 1 month old).	✓	✓	✓	
A valid MOT certificate and motor insurance.	<i>If a vehicle is being used to trade from.</i>			
A full list of traders.			✓	

Prior to submitting an application, we would always recommend you read The Council's Policy: [Street Trading Policy | Swindon Borough Council](#)

If you are planning on selling hot food or drink between 11pm and 5am, then you will also require a premises licence. You can find further information regarding this on The Council website.

Before making your application, you should have thought about the following considerations and how you will have mind to them should you be granted a Street Trading Consent.

- | | |
|--------------------------------------|--|
| (a) Public Safety | (e) Protection of Children and Vulnerable Adults |
| (b) Commercial Need | (f) Impact on the Environment |
| (c) Prevention of Crime and Disorder | (g) Public Health |
| (d) Prevention of Public Nuisance | |

You should also have regard to the location in which you are planning on trading. In the Policy, there is specific streets within Swindon that are **prohibited** from Street Trading activities, and some restricted to **markets only**.

- | | |
|-----------------------------|----------------------------------|
| • Bridge Street | • The Parade (markets only) |
| • Regent Street | • Havelock Street (markets only) |
| • Canal Walk (markets only) | • Regent Circus (markets only) |

Where an application is refused, the applicant will be informed in writing of the reasons for not granting the application. Applicants who feel aggrieved by the officer's decision to refuse an application or to introduce additional conditions may appeal to the Licensing Sub-Committee.

There is no right of appeal to the Magistrates Court

THE DECISION-MAKING PROCESS

Once you have submitted your application alongside all supporting documents, The Council need to determine your application. In doing so they may consult with the following enforcement agencies/partners:

- | | | |
|------------------------|-------------------------|--------------------------|
| (a) Wiltshire Police | (c) The Parish and Town | (f) Environmental Health |
| (b) Dorset & Wiltshire | Councils in the | (SBC) |
| Fire and Rescue | location proposed | (g) Trading Standards |
| | (d) Planning (SBC) | (SBC) |
| | (e) Highways (SBC) | (h) Public Health (SBC) |

Where applications are made for static traders and markets, a yellow notice will need to be displayed at the proposed location of the trading for a period of 14 calendar days. Please see below an example of this notice:

**NOTICE OF APPLICATION FOR STREET TRADING
CONSENT**

An application has been made to the Licensing Authority for Swindon for the grant of a Street Trading Consent by:

In respect of:


The application seeks the following (*hours of trading, articles to be sold etc.*):

The full application may be inspected at the Offices of the Licensing Authority, Swindon Borough Council, Wat Tyler West Floor 5, Beckhampton Street, Swindon, SN1 2JH between the hours of 09:00 hours and 16:30 hours Monday to Friday (except public holidays).

Responsible Authorities and/or other persons (e.g. people/businesses living or working within the vicinity) can make representations at any time between:

Start Date: _____
End Date: _____
(no later than 14 calendar days from the date of application)

All representations must be made in writing [including email] to the Licensing Manager, at the above address or by email to licensing@swindon.gov.uk.


Swindon

**a full copy of this can be found as Appendix F in The Council's Street Trading Policy and page 15 of this document.*

RENEWALS

Static and Mobile Street Trading consents are renewed annually. In order to keep your permission to trade active, you must submit an application to renew – ideally, this should be submitted at least 6 weeks prior to your current expiry.

Alongside your application you will be asked to submit the following documents:

DOCUMENTS REQUIRED	STATIC TRADER	MOBILE TRADER
Proof of eligibility to work in the UK.	✓	✓
A copy of a map of at least 1:1250 scale outlining the location of trade.	✓	
A description of route or streets covered.		✓
Details of vehicle or stall.	✓	✓
Details of products intended on being sold.	✓	✓
Documented permission of landowner trade from their land.	✓	
A certificate of Public Liability Insurance covering at least £5,000,000.	✓	✓
A basic disclosure certificate (under 1 month old).	✓	✓
A valid MOT certificate and motor insurance.	<i>If a vehicle is being used to trade from.</i>	

**If a renewal application is made after the expiry of your consent, this will mean that you cannot trade until the new consent is granted.*

In most circumstances, static traders will also not be expected to display a public notice at your location of trade upon renewal. If we have not received any substantiated complaints or concerns and all fees have been paid in due time, the consent will be renewed.

FURTHER INFORMATION

VARIATIONS

We recognise that businesses need to change and diversify over time. Therefore, if an amendment is required and it is deemed to be 'minor', an application should be submitted by the existing consent holder(s) to us to change the following:

- | | |
|-------------------------------------|-----------------------------|
| (a) Change of vehicle or unit used; | (c) Change of trading days; |
| (b) Change of operating hours; | (d) Change of Items sold. |

If a variation is considered to be a 'major' change, a new application will typically be requested.

TRANSFERS

A Street Trading Consent cannot be transferred or sold to another person. The only exemption is where consent may be transferred to a documented business partner or member of the consent holder's immediate family in the event of the consent holder's death or incapacity.

CHARITY OR COMMUNITY EVENTS

Trading that is carried out for non-profitable purposes and for the sole benefit of a community or charity *may* be exempt from the requirement to pay the application fee (subject to application). For further information, please take a look at our [Street Trading Policy](#).

FEES & CHARGES

APPLICATION TYPE	CONSENT DURATION	FEE <i>per trader</i>
Static Street Trading Consent (including renewal)	12 months	£2730 <i>or</i> *4 x £695
Mobile Street Trading Consent (including renewal)	12 months	£2000 <i>or</i> *4 x £510
Short Term Street Trading Consent	1 day	£39
	7 days	£70
	1 month	£1250
Market Street Trading Consent (minimum 3 traders)	1 day	£28
	7 days	£49
	28 days	£184
Variation		£20
Transfer		£20

**Due to the increased demand on the service incurred from the payment of quarterly fees, an increased fee has been implemented.*

GUIDANCE & LEGISLATION

	EMAIL / WEBSITE
Alcohol Sales & Late-Night Refreshment	– Licensing Act 2003
COSHH	– A step by step guide to COSHH assessment - HSG97
Food Safety	– Food safety Food Standards Agency – Food business registration Swindon Borough Council
Fire Safety	– Fire safety in the workplace: Fire risk assessments - GOV.UK – Fire Precautions Act 1971 – Handling of Flammable Liquids
Gas	– Gas Safety (Installation and Use) Regulations 1998 (GSIUR) as amended. Approved Code of Practice and guidance
Health and Safety	– Health and Safety at Work Act 1974 – Management of Health and Safety at Work Regulations 1999
Planning	– Apply for planning permission Swindon Borough Council – Pre-application advice and planning performance agreements Apply for planning permission Swindon Borough Council
Risk Assessments	– Risk assessment: Template and examples - HSE – Fire safety in the workplace: Fire risk assessments - GOV.UK
Street Trading	– Local Government (Miscellaneous Provisions) Act 1982 – Apply for street trading consent Swindon Borough Council
Welfare	– First Aid at Work – Work related violence

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