



Street Trading and Collections Policy



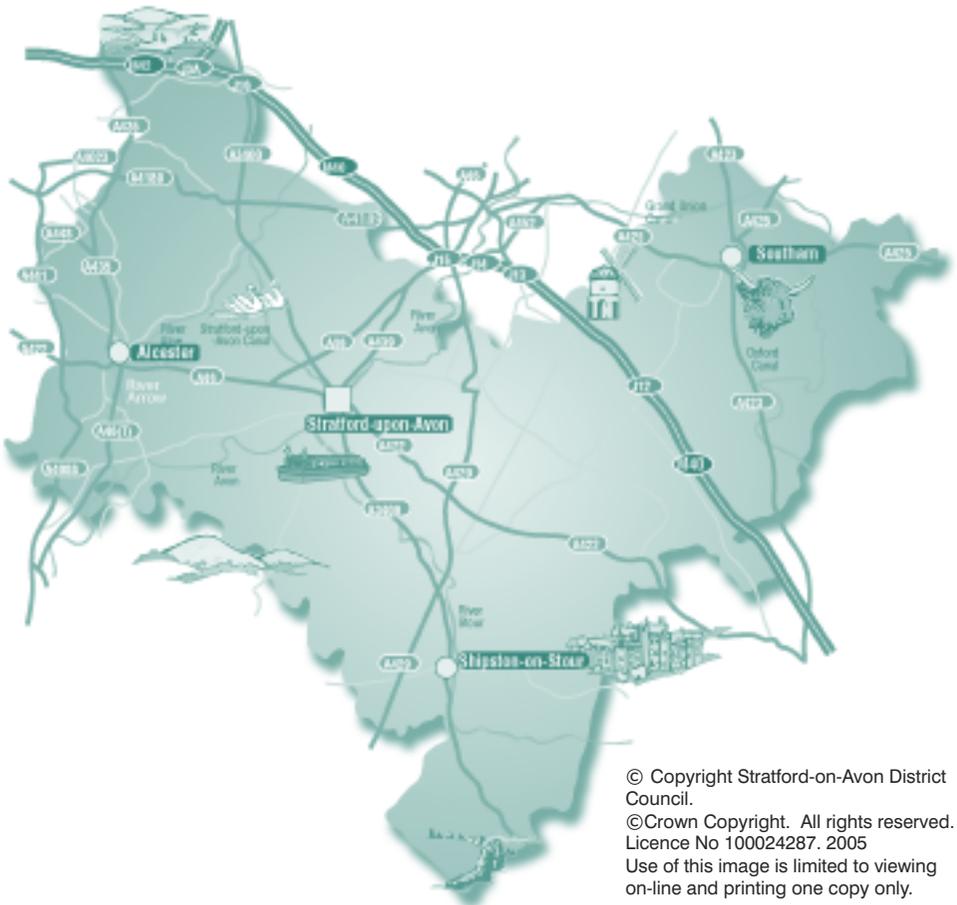
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INTRODUCTION

1 The Area of The District of Stratford on Avon

- (1) Stratford-on-Avon District Council is situated in the south of Warwickshire in the centre of England. It stretches from the edge of the West Midlands conurbation in the north to the Cotswold fringe in the south. The district covers a large rural area, some 980 kmsq (378 square miles). About 110,000 people live in the District. The largest town is Stratford-upon-Avon that has 23,000 residents, with the other main market towns being Alcester, Shipston-on-Stour and Southam.
- (2) The map below shows the area covered by the District Council within the county of Warwickshire.



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2 General Information

- (1) The aim of this policy is to prevent obstruction of the streets of the District of Stratford on Avon and ensure the safety of persons using them. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- (2) This policy will guide the licensing authority when it considers applications. Such applications cover:
 - Street Trading
 - Charitable Collections
 - House to House Collections

This policy does not cover Street Cafes which are adjacent to cafes and shops. These premises will be covered under a separate policy.

3 Consultation

- (1) In determining this licensing policy, the Council has consulted the following people and bodies:
 - Chief Constable of Warwickshire Police
 - Warwickshire Fire and Rescue Service
 - Warwickshire County Council Highways
 - Stratford Town Centre Management Partnership
 - Town & parish councils
 - Charitable Organisations
 - All current consent holders
- (2) We have also consulted various other professional people within the council. These include:
 - Environmental Health
 - Planning
 - Streetscene
 - Legal Services
 - Property Services
 - Chair and members of General Purposes Licensing Committee
 - Portfolio Holder for Environment
- (3) We have considered and taken into account the views of all the appropriate bodies and organisations.

4 Review of the Policy

This policy will be reviewed every five years. At the time of the review, we will again consult all interested parties. As well as the five-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

5 Contacts

- (1) The licensing function is part of the Public Protection Division of the Environment Service.

Our address is:

Public Protection Division
Stratford-on-Avon District Council
Elizabeth House
Church Street
Stratford-upon-Avon
Warwickshire CV37 6HX

- (2) To ask about any licensing issue, first contact the **Licensing Team 01789 260211**, or visit our website: **www.stratford.gov.uk**, or via email on **licensing@stratford-dc.gov.uk**

PART 1 – Street Trading

1 Introduction

This part of the Licensing Policy sets out how we will deal with applications for Street Trading Consents in the District of Stratford on Avon.

It also highlights the council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.

2 Legislation

- (1) Street Trading is controlled in accordance with the provisions contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- (2) The Council has adopted this legislation. As a result, all streets within the District of Stratford on Avon are designated as consent streets. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a street trading consent.

- (3) In addition, anyone trading on adjacent land within 7 metres of the highway is required to hold a street trading consent.
- (4) The Act defines street trading as “the selling or exposing or offering for sale of any article (including a living thing) in a street.”
- (5) There are exemptions from requiring a consent to trade on a street. Please refer to paragraph 9.

3 The Licensing Process & Delegation of Functions

The District of Stratford on Avon Council’s General Purposes Licensing Committee is made up of 8 members of the Council. Applications for street trading consents are delegated to the Head of Environment.

Delegation will be as follows:

- (a) Authority to issue consents, licences and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982.
To refuse any application for a consent that;
 - (i) In the opinion of the Head of Environment does not comply with the council’s conditions and policies;
 - (ii) Where there are objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety)
 - (iii) Where a similar application has been refused by the committee in the previous 2 years,
- (b) To suspend a consent for a period of up to 21 days pending referral to the Licensing committee.
- (c) Where an application is referred to the Committee, it will determine each application on its own merits. Members of the Committee will consider all information attached to the application. If a member of the Committee has an interest in a neighbouring premises or knows an applicant personally, they must declare an interest in accordance with the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.

4 Notification on Applications for Consents

- (1) When we receive an application for a Street Trading Consent we will seek the advice of Warwickshire Police and Highways Department of Warwickshire County Council.
- (2) We will also notify the following bodies, if considered appropriate in the circumstances.
 - a) Environmental Health (Food & Safety)
 - b) Streetscene

- c) Planning
- d) Ward and Parish or Town Councillors
- e) Bodies who represent Trade interests in the locality of the application site

5 Fees

The application should normally be accompanied by a non refundable deposit of ½ of the requisite annual fee as approved by Stratford-on-Avon District Council. If the application should be approved, the remaining ½ of the fee will be due. (½ being to cover costs incurred as a refusal usually involves a committee hearing).

The fees and proposed fees for the period July 2008- July 2009 can be found in Appendix B

6 Considerations to be taken into account by the General Purposes Licensing Committee when determining Street Trading Consents

In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

(1) Public Safety

Whether the location of the trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(2) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order

(3) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

(4) Needs of the Area

(The demand for the articles for sale, and the geographical location of the proposed site).

An applicant for the new grant of a street trading consent site shall provide a copy of a map showing all streets and other public areas within a radius of half a mile from the proposed location of the Street Trading site. The maps should be proper ordnance survey maps, or of equivalent or similar standard, of A4 size to a scale of 1:2500, and shall clearly indicate the location of the proposed street trading

site in the centre of the map. The map should also indicate the locations of other street traders and outlets trading in similar commodities to those proposed. The applicant must deliver notices to these premises and the nearest 6 premises to the proposed site giving details of the application.

The General Purposes Licensing Committee will always consider the sufficiency of other trading outlets to serve the needs of the area. A new consent is unlikely to be granted where the General Purposes Licensing Committee consider that adequate like provision already exist.

7 Renewals

- (1) Street Trading Consents are issued for a period of up to one year.
- (2) Applicants should then re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.
- (3) If a renewal is not made before the expiry of the current licence, a new application will have to be made, complete with consultation. (The effect of this will be that a trader will not be permitted to trade until the new licence is issued.)
- (4) Where LPG fuelled appliances are used the complete gas installation should be examined for soundness at least once per year and the correct operation of each gas appliance, including any safety devices fitted should be checked annually by a competent person who is a member of an organisation approved by the H.S.E. e.g. is registered with the Council for Registered Gas Installers – CORGI

A copy of the competent persons report must be forwarded with the application.

8 Decisions

- (1) Following the determination of an application by the General Purposes Licensing Committee, the Council will notify the applicant and any objectors of the decision at the end of the hearing. Confirmation in writing, will be sent as soon as possible after the decision.
- (2) There is no statutory right of appeal against refusal to issue a consent.

9 Exemptions

- (1) The Act makes certain activities exempt from the requirement to hold a consent. These are:
 - Pedlars acting under the Pedlars Act 1871
 - Anything done within a market or fair

- Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
- news vendors selling only newspapers or periodicals
- petrol filling stations
- shops forecourts
- rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order. Recently, sandwich roundsman have appeared, if the sandwiches are pre-ordered then an exemption would apply, however most turn up and act as mobile sandwich vendors, this type of trading will not be exempt and requires a street trading consent.)
- objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
- operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- street collections

10 Special Events/Markets

(1) At special events, the council will issue one consent to the person organising the event/market, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.

(2) We will issue a single consent, which will cover a number of traders. The number of traders covered is as follows:

Category 1 – Up to 20 traders

Category 2 – Between 21 and 49 traders

Category 3 – Between 50 and 75 traders

Category 4 – Between 76 and 99 traders

Category 5 – over 100 traders

11 Trading in Stratford-upon-Avon Town Centre

Whilst there is no limit on the number of mobile ice cream vendors trading throughout the district, only 6 of the consents will permit trading in Stratford Town area.

In general the days and times that street trading will be allowed are as follows:

- Pedestrian areas of Stratford 11am – 7 pm.
- Rother Street 9am-7pm Sat-Thursday

All other areas by agreement depending on the type and position of stall.

12 Markets or Fairs

All markets will need to be authorised in accordance with the Councils Markets Policy or will need to be licensed as a special event under 10.

13 Conditions

We have adopted conditions relating to Street Trading. These conditions are attached to this policy as Appendix A. This list is not exhaustive and other conditions may be added to the consent.

PART 2 – Charitable Collections

Introduction

This part of the Policy sets out how we will deal with charitable organisations that wish to collect monies and/or goods for charity.

1 Legislation

- (1) **Street Collections** are covered by regulations made under the Police, Factories, etc (Miscellaneous Provisions) Act 1916 as amended by schedule 29 of the Local Government Act 1972. Anyone wishing to collect money on a street or public place as defined in the Act must obtain a permit from the Council.
- (2) **House to House Collections** require to be licensed by the Council under the House to House Collections Act 1939. This Act only covers charitable collections and not companies collecting for profit. Companies collecting for profit should identify that they are not charitable on their bags or leaflets. If the Council receive complaints about companies collecting for profit, it will notify the Warwickshire County Council's Trading Standards Division.

2 Authorisation of Collections

- (1) Licences/permits will be issued by officers in the Licensing Team. The Council will refer to this policy when making its decision.
- (2) A diary of all street collections and house to house collections will be kept. This information is available to other responsible bodies in the council, including Highways and Town Centre Management.

3 Number of Permitted Collections

- (1) The council will have a co-ordinated approach to how many street collections and other such activities it will allow in any one area
- (2) Collections will only be allowed on a Saturday unless a request is made for a different day or is part of a national collection day.

- (3) Within the Stratford upon Avon Town Centre the Council will only permit a total of 26 collections per year, and no collection to be made on Shakespeare's birthday weekend. The Council will accommodate national collections dates and attempt to ensure a fortnightly collection where possible.
- (4) Permits are granted during October, and if there are more than 26 requests for a collection, the Chair of the General Purposes Licensing Committee or his deputy will assign the collections to be permitted with a priority given to local charities and collections.
- (5) At the discretion of the Chair of General Purposes Licensing Committee up to 4 additional dates can be allocated for disasters or need that has arisen since the list was drawn up. (eg- national disaster relief funds, collections for children recently diagnosed with a problem who need money for treatment), though the collection can take place in other towns within the District.

PART 3 – Other Activities

1 Introduction

There are a number of other activities that take place in the streets of The District of Stratford on Avon, that cannot be controlled by licence, permits or consents

These activities are listed below.

2 Petitions

People or organisations asking members of the public to support their cause, such as political groups, welfare or ecological groups. Every person enjoys the right to freedom of speech and the Council will only take action if it receives complaints about disorder or threat to public safety. In such cases it will notify the police.

3 Awareness

People, groups or organisations such as radio stations, television stations or the armed forces may wish to raise awareness by handing out leaflets.

4 Market Research

This type of activity includes mail order companies, insurance companies and national questionnaires.

5 Pedlars

They are required to hold a certificate issued by the police force in the area that they reside. They are able to travel to trade within the area. They must only stop to trade when approached by a customer. They must not remain stationary after the sale has been made.

6 Busking

- (1) If a busker or a group of buskers act in such a way as to cause a nuisance to passers by, then they will be asked to cease and leave the area.
- (2) The Council may call for assistance from Warwickshire Police when dealing with such issues.

PART 4 – Enforcement

Introduction

This section of the Licensing Policy details the Council's commitment to enforcing the provisions contained within the relevant legislation.

It also highlights the Council's commitment to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.

Enforcement

- (1) The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.
- (2) Where licensable activities are conducted without the benefit of a licence, permit or consent the Council will look to gather evidence and take enforcement action as appropriate.
- (3) If the council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Warwickshire Police.
- (4) The Council may call for assistance from the CCTV centre when dealing with such issues.
- (5) The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

GLOSSARY OF TERMS

“Council”	means Stratford on Avon District Council
“Statutory Provisions”	means any primary or secondary legislation enacted by Parliament

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT CONDITIONS

Conditions applicable to Street Trading Consent:

1. Definitions

(i) 'street' includes –

[a] any road, footway, beach or other area to which the public have access ;
and

[b] all forecourts, roads, footways or other areas adjacent to a street for a
distance of 7 metres; and

[c] a service area as defined in section 329 of the Highways Act 1980
and also includes any part of a street;

(ii) 'street trading' means –

the selling or exposing for sale of any article (including a living thing) in a
street;

2. No trading to which the attached consent relates shall take place except:

(i) Between the dates of:

The operational hours shall be:

Between the hours of am and on Mondays

Between the hours of am and on Tuesdays

Between the hours of am and on Wednesdays

Between the hours of am and on Thursdays

Between the hours of am and on Fridays

Between the hours of am and on Saturdays

(ii) Special conditions in respect of this paragraph:

3. The street trading consent relates to the following area / site only:

4. The street trading consent relates to the following vehicle /premises only:

5. The trader can only trade in the goods stipulated in the consent.

6. Ancilliary items can be sold where relevant to the goods being traded.

7. Where appropriate the holder of any street trading consent and the stall and/or
vehicle must comply with all relevant road traffic and highways legislation

8. Where appropriate the holder of the street trading consent and the stall and/or
vehicle must comply with all relevant food hygiene legislation.

9. The street trading consent holder shall only trade from a stall or vehicle approved by the Council in writing.
10. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
11. The street trading consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
12. The street trading consent holder shall conduct his (her) business in such a manner to ensure that he (she) does not:
 - (a) Cause a nuisance to the occupiers of adjoining property.
 - (b) Cause an obstruction to the vehicles or pedestrians in the street.
 - (c) Cause a danger to occupiers of adjoining property or to other users of the street.
13. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
14. The consent holder shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
15. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
16. No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
17. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the holder is specifically advised to obtain such other approvals as may be required.
18. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
- 19 All persons selling food shall in addition comply with schedule 1.
20. The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.

21. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
22. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which consent has been granted.
23. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent.

SCHEDULE 1

CONDITIONS APPLICABLE TO HOT AND COLD FOOD SALES

1. The general conditions applicable to all street traders must be complied with.
2. All floor areas are to be covered with suitable material properly fitted with a minimum of joints.
3. Wall and ceiling areas should be smooth, impervious and all joints properly sealed to provide surfaces, which can be effectively cleaned.
4. Doors should be flush finished. All windows should be properly decorated and free from ornamentation such as curtains.
5. Suitable locker provision should be made for any shoes; handbags or outdoor clothing kept on the stall.
6. All working surfaces and cupboard areas should be of laminated plastic or preferably stainless steel construction so as to be smooth, hard, impervious and capable of being effectively cleaned.
7. An impervious container with plastic liner should be provided on the stall for temporary reception of refuse and waste prior to disposal.
8. All meat products (not stored in sealed cans or vacuum packed) intended for human consumption shall be maintained at a temperature below 5 degrees C. or above 70 degrees C. prior to sale. The core temperature of cooked food must be checked to ensure it has reached above 75 degrees C for 30 seconds before the heat source is removed.
9. All cooking equipment should be maintained in a clean and hygienic condition, and if gas fired, should be provided with a suitable shut-off tap between the gas distribution pipe work and each appliance. This tap must be sited so as to enable easy access to it for isolation of the appliance in case of emergency.
10. A stainless steel sink of suitable size must be provided for the washing of utensils and equipment only. A supply of hot and cold water or water at a suitable controlled temperature must be provided over the sink. Cold water only is acceptable where the sink is used solely in connection with the sale of fish, fruit or vegetables.
11. A separate wash hand basin for the exclusive use of staff must be provided with an adequate supply of hot and cold water at a suitably controlled temperature. Soap, nailbrush and suitable drying facilities should be available at the basin.
12. Wastewater must be collected from washing facilities into sealed containers outside the trailer and the waste disposed of into a foul drainage system.
13. A first aid kit comprising suitable and sufficient bandages and blue waterproof dressings must be available on the vehicle (stall) at all times.

SCHEDULE 2

ADDITIONAL CONDITIONS APPLICABLE TO SPECIAL EVENTS/MARKETS

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
3. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, firearms, airguns, swords and crossbows)
4. If the Public Conveniences are required to open beyond 20:00 a charge will be levied in accordance with the Council's fees and charges.
5. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.

APPENDIX B

STREET TRADING

The fees to be banded as follows-

For fixed locations:

Zone 1 Food	£ 1450
Zone 1 Non Food	£ 1050
Zone 2 Food	£ 775
Zone 2 Non food	£ 675
Zone 3 Food	£ 725
Zone 3 Non Food	£ 625

To trade as a mobile operator:

Food Mobile Zones 1, 2 +3	£ 1850
Food Mobile Zones 2+3	£ 1650
Additional Vehicles per vehicle	£ 550
Food Mobile Zones 3	£ 1350
Additional Vehicles per vehicle	£ 550
Non Food Mobile Zones 2+3	£ 725
Additional Vehicles per vehicle	£ 350
Non Food Mobile Zones 3	£ 500
Additional Vehicles per vehicle	£ 250

Special events/markets (see section 10)

Daily Rate

Category 1 – Up to 20 traders	£ 115
Category 2 – Between 21 and 49 traders	£ 250
Category 3 – Between 50 and 75 traders	£ 375
Category 4 – Between 76 and 99 traders	£ 500
Category 5 – over 100 traders	£ 600

Consecutive days charged at 50% of the daily rate.

Late Night Opening of Public Conveniences	£ actual cost
Additional Street Cleaning	£ actual cost

Day rates

Food Trader	£ 65
Non Food Trader	£ 50

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Telephone 01789 267575



Environment Services

Elizabeth House, Church Street
Stratford-upon-Avon CV37 6HX

Telephone 01789 260211

Facsimile 01789 260860

Minicom 01789 260747

Email licensing@stratford-dc.gov.uk

Website www.stratford.gov.uk