

**Somerset West
and Taunton**

Street trading policy

July 2022

1st draft

Contents

Section		Page
1	Purpose of policy	3
2	What is street trading?	3
3	Trading on Council land	7
4	Traders with multiple sites	7
5	Markets and events	7
6	Other legislative requirements	7
7	Applications	8
8	Advertising of the application	10
9	Decision making criteria	10
10	Consultation	11
11	Right of appeal	12
12	Consent and consent conditions	12
13	Change of owner/proprietor	13
14	Renewals	13
15	Changing the conditions on a consent	13
16	Surrender of consents	14
17	Enforcement, non-compliance and revocation of consents	14
18	Policy on specific areas in the district	15
19	Fees	17
Appendix 1	Maps of district	19
Appendix 2	Notice template	20
Appendix 3	Standard consent conditions	21

1. Purpose of policy

1.1 The purpose of this policy is:

- to provide a decision making framework for the consideration of applications for consents.
- assist applicants by setting out the Council's decision making criteria, what it expects from applicants and the conditions consent holders must generally comply with.
- provide guidance to Council officers who are responsible for administering the street trading regime.
- ultimately, create a street trading environment which is sensitive to the needs of the public, provides quality consumer choice, complements premises-based businesses and seeks to enhance the character and ambience of the Somerset West and Taunton (SWT) area, whilst ensuring public safety and preventing crime, disorder and nuisance.

1.2 This policy will be the subject of periodic monitoring and review. It was adopted by the Licensing Committee on...

2. What is street trading?

2.1 [Schedule 4 of the Local Government \(Miscellaneous Provisions\) Act 1982 \(click to view\)](#) gives local authorities the power to allow or prohibit street trading within their administrative areas; across the whole of it or just in certain parts.

2.2 Somerset West and Taunton Council's predecessor Councils, Taunton Deane Borough Council and West Somerset Council, both adopted Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 (from here on referred to as 'the Act') to designate all 'streets' (as defined below) as 'consent streets'. The effect of this was/is that street trading can take place across the Somerset West and Taunton district where consent has been given. Maps of the district can be found at **Appendix 1**.

2.3 The Local Government (Miscellaneous Provisions) Act 1982 (from here on referred to as 'the Act') defines 'street trading' as being 'the selling or exposing or offering for sale of any article (including a living thing) in a street.

2.4 It defines a 'street' as being:

- (a) Any road, footway, beach or other area to which the public have access without payment; and

(b) A service area as defined in Section 329 of the Highways Act 1989 ('An area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be, provided service stations or other buildings or facilities to be used in connection with the use of the special road').

- 2.5 Where a person wishes to carry out street trading in a street that is in the Somerset West and Taunton area, they must apply for consent.
- 2.6 The test the Council has chosen to use to help determine what constitutes an '...area to which the public have access without payment' is: "Has a member of the public got unrestricted access to the area to look at the goods offered for sale and without having to pay any money?"
- 2.7 If the answer to the above question is 'yes', then the area will be considered to be a 'street' and the activity will require a street trading consent.
- 2.8 Areas which would typically result in a 'no' answer to the above question includes:
- Pay to enter events such as shows, concerts, festivals.
 - Private functions such as weddings which take place on private land and invitation only.
- 2.9 The Council does not maintain a list of suitable street trading locations. Instead, those interested in becoming a street trader should use this policy, and the criteria listed in section 9 in particular, to identify suitable trading locations/pitches.
- 2.10 A person can only be granted consent if they are aged 17 years or older. A consent can be issued for up to 12 months and may include permission to use a stationary van, cart, barrow or other vehicle, or a portable stall.

Exemptions

- 2.11 The Act states that the following activities are not 'street trading' and therefore would not require consent:
- (a) trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the [Pedlars Act 1871](#);
 - (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order;
 - (c) trading in a trunk road picnic area provided by the Secretary of State under [section 112 of the Highways Act 1980](#);

- (d) trading as a newsvendor i.e. the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act;
- (e) trading which:
 - i) is carried on at premises used as a petrol filling station; or
 - ii) is carried on at premises used as a shop or in a street adjoining premises so used as part of the business of the shop (such business must not obstruct the highway or payment area);
- (f) selling items, or offering or exposing them for sale, as a roundsman;
- (g) the use for trading under [Part VIIA of the Highways Act 1980](#) of an object or structure placed on, or in or over a highway;
- (h) the operation of facilities for recreation or refreshment under [Part VIIA of the Highways Act 1980](#);
- (i) the doing of anything authorised by regulations made under [section 5 of the Police, Factories etc. \(Miscellaneous Provisions\) Act 1916](#) i.e. the collection of money or selling of articles for the benefit of a charity or other similar cause.

Pedlars

- 2.12 A pedlar is defined in law as being 'any hawker, pedlar, petty chapman, tinker, caster of metals or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered. So in practice, a pedlar is someone who sells items on the move and sells items as he/she travels.
- 2.13 Established case law has set out other criteria which helps to further differentiate pedlars from street traders. These are that:
- a pedlar cannot travel to a location to trade, they must trade when they travel.
 - a pedlar must only travel and trade on foot.
 - a pedlar must not unnecessarily linger if they put their goods down or stop for a reason other than to sell their goods.
 - if a pedlar uses a trolley or cart to help transport their goods, it must be small and easily moved.
 - a pedlar must only sell goods when approached by members of the public.

- 2.14 A person who does not meet all of the above criteria must be treated as a street trader (and will require consent to trade in the Council area).
- 2.15 A person who intends to trade as a pedlar requires a pedlar certificate. Further information on how to apply for a pedlar certificate can be found here:
<https://www.gov.uk/pedlars-certificate>

Roundsman

- 2.16 Although the Act does not define what a roundsman is, there is legal precedent in case law, specifically the case of Kempin t/a British Bulldog Ice Cream V Brighton and Hove Council, where Lord Justice Latham ruled that a roundsman was someone who delivered pre-ordered goods within a locality.

Local exemptions

- 2.17 The Council has decided to make the following activities exempt from requiring consent.
- **Itinerant traders:** someone who trades from a vehicle which goes from place to place, remaining in any one location in the course of trading for periods of 15 minutes or less and does not return to the same location or within 200m, on the same day. Common examples are ice cream vans and sandwich vendors. Whilst itinerant traders are exempt from street trading, they must still get permission from the Council if they intend to trade on Council owned land, such as parks, open spaces and Minehead seafront. See below for further details.
 - **Non commercial events:** events that are community-based and run for non-commercial purposes, such as a fete or school fund raising activity. Where any of the profit of the trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned then the activity is not exempt and will require a consent.
 - **Shopping malls etc:** traders that are set up within covered shopping malls, centres, arcades or similar.
 - **Working farms:** goods from working farms sold at the premises where they were produced.
 - **Residential properties:** unwanted household items or produce, such as homegrown fruit and vegetables, eggs, preserves e.g. jam etc.
 - **Travelling fairs and circuses:** traders as part of an established travelling fair or circus.
 - **Used vehicles:** where a vehicle is parked and advertised for sale.

3. Trading on Council land

- 3.1 Any person wishing to trade on Council owned land must get permission to do so before applying for a street trading consent. This is the case with Council owned parks and open spaces such as Vivary Park in Taunton and Minehead seafront.
- 3.2 Any form of trading on Council owned land, including itinerant traders and others which might be exempt from street trading, all require (landowner's) permission.
- 3.3 To enquire about getting permission to use Council land for a regular trading pitch, please email enquiries@somersetwestandtaunton.gov.uk and begin the email with 'FAO Asset Management – Commercial'. For enquiries related to temporary events, please visit <https://eventspaces.somersetwestandtaunton.gov.uk/> for more information.
- 3.4 To enquire about trading on Watchet Esplanade, contact [Watchet Town Council](#).

4. Traders with multiple sites

- 4.1 Some street traders may visit different locations with their van, stall etc. to trade during the course of the week. The Council is able to issue a single street trading consent for multiple locations, provided full details and appropriate plans/maps for each location are included in an application.

5. Markets and events

- 5.1 The organisers of markets and events which involve more than one individual trader may apply for a single street trading consent to cover the whole activity.

6. Other regulatory requirements

Licensing Act 2003

- 6.1 The supply of alcohol and provision of late night refreshment (hot food and drink between the hours of 23:00 and 05:00 the following morning) are 'licensable activities' under the terms of the Licensing Act 2003.
- 6.2 Where a person's street trading involves selling alcohol or provision of late night refreshment, they will need either a [premises licence](#) or [temporary event notice \(TEN\)](#) issued in accordance with the Licensing Act 2003, as well as a street trading consent. More information on both can be found on the Council website.
- 6.3 The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder cannot demonstrate that a premises licence or TEN is in place, or has been applied for.

Food business registration

- 6.4 Where a person's street trading involves selling food and/or drink, they must [register as a food business](#) with the Council, as well as holding a street trading consent.
- 6.5 Once a person is registered, they will at some stage be inspected by a Council Food Safety Officer. After the inspection, they will be given a score between 1 and 5 as part of the national Food Hygiene Rating Scheme (FHRS).
- 6.6 The Council expects traders to maintain good standards of hygiene. Traders who sell food and or/drink will, as a condition of their consent, be required to achieve and maintain a minimum food hygiene rating of 3 or above. The Council may decide to refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder has a rating of less than 3.

Planning

- 6.7 In some cases, planning permission may be required in addition to a street trading consent.
- 6.8 A person intending to apply for a street trading consent should always [check to see if they need planning permission](#) before making their application.
- 6.9 The Council may revoke a consent in the event of the holder being in breach of planning legislation.

7. Applications

- 7.1 Applications for the grant of a street trading consent can be made in full on [the Council website](#).
- 7.2 The cost to apply is dependent on the length of consent. The options available are:
- a year;
 - a month;
 - a week;
 - single day.
- 7.3 To submit a complete application, the person applying must include/upload the following:
- A map and/or plan of the location with the trading position clearly marked (further detail below), preferably to scale.

- A photograph or series of photographs which show clearly the vehicle, stall etc. to be used, including its actual design/artwork. Or in the case of a unit which is under construction, a detailed illustration.
- Evidence that they have been given permission by the landowner(s) if using a pitch or pitches off of the highway e.g. email or letter.
- Proof of public liability insurance.

7.4 Incomplete applications are not processed. Applicants will be advised, by email, if their application is incomplete.

7.5 A card payment will be taken for the fee at the time of making the application.

Articles the applicant proposes to sell

7.6 The applicant should accurately describe or list the articles that they intend to sell in their application. Should they be granted a consent, the articles they are permitted to sell becomes a condition of the consent which, if breached, can ultimately result in revocation of the consent.

7.7 It is possible to request to change the types of articles that are permitted to be sold by way of a variation to the consent later down the line.

Plan accompanying the application

7.8 In order to be able to fully consider the suitability of the trading activity and in particular, its location, it is essential that the application is accompanied by a good quality plan or map, ideally to scale,

7.9 The applicant should mark on the plan/map the exact position of the van, stall etc. they intend to use in the location, with measurements. If the van, stall etc. includes an awning, canopy or hatch that will extend out, this must be indicated on the plan. The applicant should also indicate the orientation of the stall, so that it is clear where customers will stand to be served.

7.10 Officers will need to identify any neighbouring properties who may be affected, so it may be necessary for the applicant to submit a series of plans and/or maps of varying sizes and scales. Road names should also be included, where appropriate.

7.11 As well as showing the positioning of the van, stall etc. the applicant must include on the plan, any furniture, containers e.g. bins or signage that they intend to use.

7.12 If the plan(s) accompanying the application do not indicate the proposed pitch accurately enough, the application will be rejected.

8. Advertising of the application

- 8.1 The applicant must display a notice prominently at the proposed trading location for the entire consultation period to publicise the application.
- 8.2 The notice must be printed on white paper and state the following:
- The applicant's name.
 - The proposed days and hours of trading.
 - A description of the articles it is proposed to sell.
 - That representations against the application must be submitted to the Council.
 - The date by which representations must be made i.e. the end of the consultation period.
- 8.3 Applicants should use the notice template at **Appendix 2**.
- 8.4 Applicants may choose to secure the notice to fencing, a lamp post or other form of street furniture, or natural feature like a tree. In cases where there may be a lack of features to fix the notice to, the applicant may need to create a simple, temporary sign.
- 8.5 The notice must be securely fixed applicants are encouraged to laminate it, so that it can withstand wet and windy weather. In the event that the notice is damaged to the extent that it cannot be read, is taken down or blown away, the applicant will need to replace it immediately.
- 8.6 If the application is not advertised properly, the consultation period may be extended. Once the consultation has finished, the applicant must remove the notice.

9. Decision making criteria

- 9.1 Applications for a street trading consent will be determined by a Licensing Officer, under delegated powers, using the criteria listed below or such other factors as are relevant and appropriate to the application in question. Each case will be assessed on its own merits and individual circumstances, where appropriate, may be taken into consideration. The criteria include whether the application:
- **Is for a suitable pitch.** The location of the proposed trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term 'public' refers to both customers and other members of the public using the street. The pitch should also not conflict with any Traffic Orders, such as waiting restrictions. The applicant must also ensure they have adequate access to toilet facilities.
 - **Creates more trading opportunities for small businesses or otherwise contributes to the economic vitality of the area.** The existence of shops and

businesses operating in the immediate area will be considered, if appropriate, to avoid, amongst other things, unfair economic advantage.

- **Satisfies an unmet need for goods in the immediate locality of the proposed activity.** For example, fast food outlets on trading estates bearing in mind the presence of existing like outlets.
- **Supports special events.** Such as community, educational or charitable events (but see paragraph 2.17 for exemptions where the event is wholly charitable etc.).
- **Places an unreasonable burden on other agencies or bodies.** The street trading activity should not present a significant risk to good public order in the locality in which it takes place.
- **Presents a significant risk of nuisance to households and businesses in the vicinity.** Whether that is from noise, smells, fumes or light.
- **Complements the visual amenity of the area.**
- **Supports community cohesion and the needs of under-represented groups.**
- **Is environmentally sustainable.** Consideration will be given to the applicant's proposals for generating power, if required, and dealing with any waste and litter.

10. Consultation

10.1 Upon receiving a complete application for a consent, the Council will consult the following:

- Somerset County Council Highways;
- Somerset West and Taunton Council (SWT) Environmental Health;
- SWT Economic Development;
- SWT Planning;
- Avon and Somerset Constabulary;
- Parish Council for the area or Charter Trustees in the case of the unparished area of Taunton;
- Town Council, if appropriate;
- The SWT ward Councillor for the area.
- The Business and Improvement District (BID) for the area, if appropriate.

10.2 Consultees will receive details of the application, including maps and plans.

10.3 The consultation period will begin the day after the Council receives a complete application. The length of the consultation will depend on the length of consent applied for:

- Full year's consent: 28 days
- One month, one week or single day consent: 14 days

- 10.4 The Council will consider responses from the consultees listed above and any other interested party e.g. a member of the public.
- 10.5 Should a consultee wish to make representations against the application e.g. object, they must do so within the consultation period, giving reasons to support it which make reference to the criteria/considerations in section 8.

11. Refusal and right of appeal

- 11.1 When the Council refuses an application, the applicant will be notified in writing (normally email) and given the reasons for the refusal.
- 11.2 There is no right of appeal against a decision to refuse to grant or renew a street trading consent.
- 11.3 The Act entitles the applicant to a partial refund for the application fee in the event it is refused. The Council will normally deduct the costs that are incurred by processing the application and refund the remainder of the fee paid.

12. Consents and consent conditions

- 12.1 Where a consent is granted, the applicant will be issued with a consent document which will contain:
- Their name, being the holder of the consent and person legally responsible.
 - The address and/or description of the location where they are permitted to trade.
 - A individual consent number.
 - A photograph of the van, vehicle, stall etc they can use, if applicable.
 - The dates the consent starts and ends (expires).
- 12.2 Consents will be issued for the length that has been applied for unless it is deemed appropriate to grant it for a shorter term, having considered the individual merits of the application.
- 12.3 All consents are subject to certain, standard conditions. See **Appendix 3**. Each consent will have conditions that specify:
- The location(s) that the holder can trade from.
 - The permitted trading days and times.
 - The items that can be sold.
- 12.4 The Council may decide to add additional conditions when granting a consent, where it is deemed appropriate having considered the individual merits of the application.

12.5 Failing to comply with any conditions can lead to revocation of the consent. See section 17.

13. Change of owner/proprietor

13.1 There is no provision to transfer a street trading consent in the Act. Therefore, where the holder of a consent sells or gives up their business, the new owner must apply for a new consent, while the former owner must surrender theirs; see section 16.

13.2 Where a new owner is applying for their own consent but on the same terms as the previous owner i.e. same length and with the same conditions, there will be no consultation and no requirement to pay a fee. The consent will be issued so that it finishes on the same date as the consent held by the previous owner.

13.3 If a new owner wishes to change the way the business operates, such as the trading hours or items sold, they can request a variation to the consent once it has been issued in their name; see section 15.

14. Renewals

14.1 The holders of one year street trading consents will receive a reminder and renewal form approximately two months before the consent is due to expire.

14.2 Consent holders are able to apply to renew their consent on exactly the same terms as before i.e. for another year and with the same conditions attached.

14.3 Applications should be submitted no less than two weeks before the expiry date of the consent to ensure a new consent is issued in good time.

14.4 If a renewal application is not submitted before or on the expiry date of the consent, the consent will lapse and a grant application would then be required.

15. Changing the conditions on a consent

15.1 The Act gives the Council the power to vary the conditions attached to a consent at any time.

15.2 Should the holder of a consent wish to change any of the conditions on their consent, they can, at any time, submit a written request to vary the consent. This would be required where the consent holder wants to, for example:

- Change the operating days and/or times.
- Change their trading pitch or add an additional pitch.
- Trade from a different stall, vehicle etc.

- Start selling something new i.e. articles not currently listed on the consent.

15.3 There is no fee to request the variation of conditions.

15.4 The Council will determine a request to vary a condition or conditions in the same way as a grant application, by carrying out a 28 day consultation and making a decision based on the criteria listed at paragraph 9.1.

15.5 The consultation period may be reduced from 28 days to 14 days if the variation is considered to be minor. Requests to change conditions which restrict the items that can be sold or change the stall, vehicle etc. will generally be considered to be minor. Requests to change or add additional pitches and change the operating days/times will generally be considered significant changes and the consultation period will remain at 28 days.

16. Surrender of consents

16.1 The holder of a consent may, at any time, surrender it if it is no longer required.

16.2 Where a consent is surrendered, the Council will refund the holder a proportion of the application fee they paid; with administrative costs having been deducted. For more information on how fees are calculated, see section 19.

17. Enforcement, non-compliance and revocation of consents

17.1 The Council has a duty to carry out enforcement where it becomes aware of or receives allegations which concern unauthorised trading (trading in a street without first obtaining a consent) or non-compliance with street trading consents that have been granted.

17.2 All enforcement and compliance activity will be carried out in accordance with the Somerset Authorities Environmental Health Enforcement Policy, which incorporates the Statutory Code of Practice for Regulators.

17.3 The following principles will be followed when carrying out enforcement and compliance activities:

- **Openness.** The Council will be open about how it enforces the legislation in relation to street trading. Appropriate discussions on compliance failures or problems will normally be undertaken as part of the enforcement process.
- **Helpfulness.** The Council will advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.
- **Proportionality.** The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or

wider public benefit. Appropriate regard will be given to the human rights of all parties involved in its enforcement activities.

- **Consistency.** The Council will carry out its duties in a fair, equitable and consistent manner having regard to the Somerset Enforcement Policy, any relevant national codes of practice and guidelines and the contents of this document.

17.4 Under paragraph 10 of schedule 10 of the Act, a person commits an offence if they:

- Trade in a street without first obtaining a street trading consent.
- Have a street trading consent and breach a condition of it, or trade from a stall, vehicle etc. that they have not been given permission to trade from.

17.5 A person who is found guilty and convicted of this offence can receive a fine of up to £1,000.

17.6 Other than prosecution, the Council may decide it appropriate to take one of the following actions:

- Verbal warning.
- Written warning.
- Vary the conditions attached to a consent to, for instance, change the operating days or hours.
- Revoke a consent.

17.7 The Act gives the Council the power to revoke or vary the conditions attached to a consent at any time, to which there is no right of appeal.

17.8 Council Officers who are authorised to carry out enforcement and compliance activities carry photographic, Council issued identity cards and authorisations which they will produce, if requested.

18. Policy on specific areas in the district

Town centres

18.1 The Council's Corporate Strategy sets out the high-level priority outcomes for the Council over the next four years, based on local needs, regional and national strategies. The Council aims to be 'A low-carbon, clean, green and prosperous district that attracts high quality employment opportunities and encourages healthy lifestyle'. One objective as part of this is to 'Support the town centres throughout the District to meet the challenge of changing shopping habits'. Key to achieving this objective is ensuring that the consent is given to street traders who will add value to our town centres.

- 18.2 The Council does not consider applications for town centre trading pitches on a 'first come, first served' basis. Instead, traders are asked to submit expression of interests to allow Officers from the Council's Licensing and Economic Development departments to work together to allocate any available trading space to those who will add the most value.
- 18.3 In an expression of interest, a trader should explain how they will help the Council to create the desired street trading environment (as described at paragraph 1.1). They will also be viewed more favourably if:
- The trader resides in the SWT district; (climate and local economy).
 - The articles to be sold are made in or from ingredients/materials produced in the SWT area.
 - It is a completely new start-up business (as opposed to an already established business looking for additional trading sites).
 - The trader eventually plans to move into a retail unit in the town centre.
 - Articles are not sold in packaging, containers or bags made from single use plastics.
 - Operate to 'carbon neutral' principals e.g. no use of fossil fuels, electric vehicles.
 - The stall/vehicle/unit can be considered visually appealing and will enhance the proposed trading location.
 - Sell articles that complement the existing retail and hospitality offer in and around the proposed trading location, as opposed to acting as direct competition for businesses, premises based or otherwise.
 - Sell food and drink which can be considered to contribute towards a healthy and balanced diet.
- 18.4 The Council is committed to making best use of the space available within the town centres. To minimise occurrences where empty trading pitches diminish the vibrancy of streets and spaces, those seeking to trade in the town centre are encouraged not to request trading hours in their expression of interest and/or application, which are not needed on a frequent basis. 'Non-standard' days and trading times can be requested in the relevant section of the forms if required e.g. "To finish at 6pm on Bank Holidays". The Council may seek to vary or revoke consents from holders who are consistently absent on given days. Such decisions will be guided by the Council's Economic Development Officers.
- 18.5 To provide as much of an opportunity as possible for all new businesses, as well as encourage existing street trading businesses to progress and develop and to consider taking up vacant units within the town centre, it is unlikely that consents will be renewed for a fourth term i.e. after three years of trading. Such decisions will be guided by the Council's Economic Development Officers and be discussed with the consent holder with plenty of advanced notice.

19. Fees

19.1 Paragraph 9 of Schedule 4 of the Act allows councils to "...charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

19.2 The Council has set street trading application fees with the aim of recovering all of the costs the Council incurs as a result of managing street trading in the district. The Council's fee calculation method has been developed with due regard to:

- R v Manchester City Council, ex p King (1991).
- R (Hemming and others) v Westminster Council
- [Section 18\(4\) of The Provision of Services Regulations 2009](#).

19.3 Council fees are made up of seven separate cost elements:

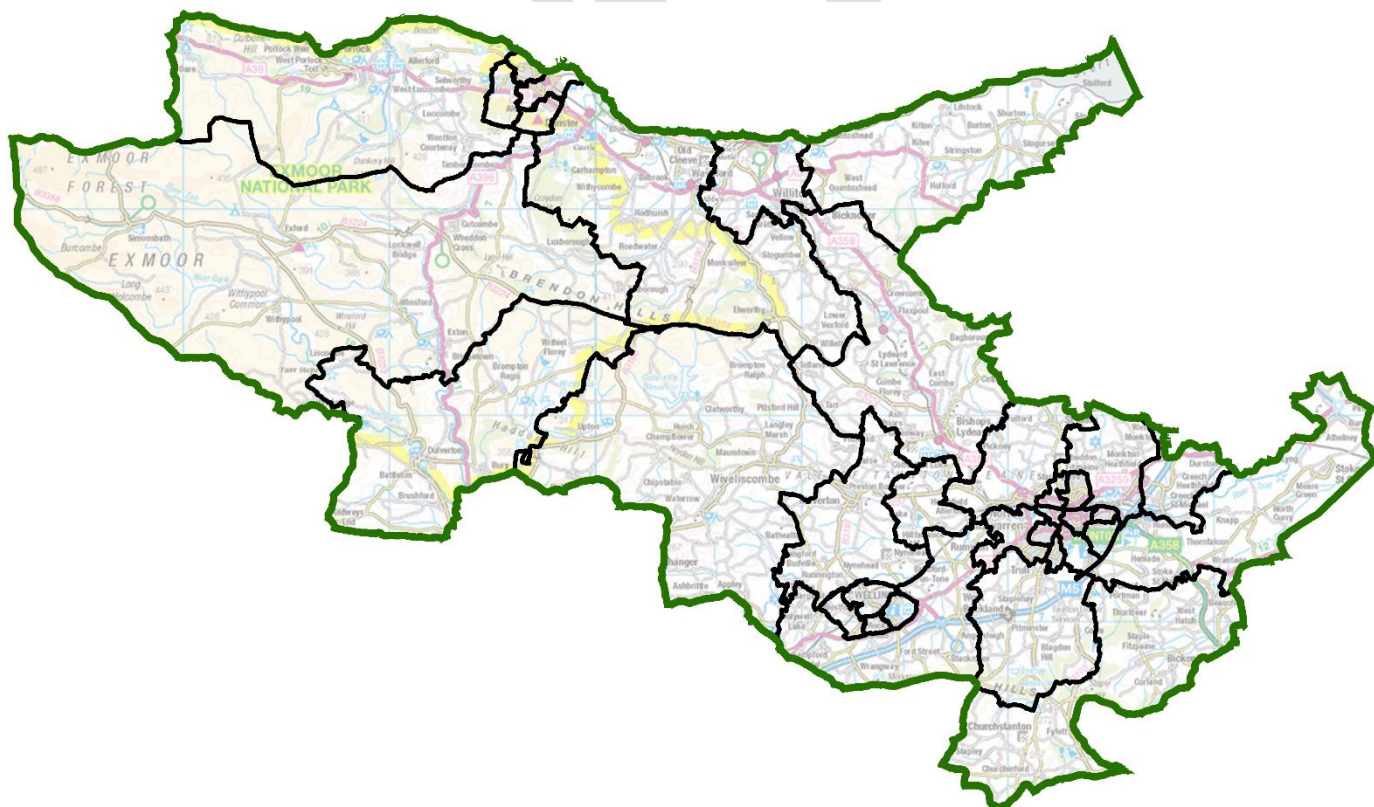
- **Components.** The individual cost, per licence or consent, of any items used to produce an identification (ID) badge or plate, if applicable.
- **Services.** A proportion of costs for services such as training courses for staff and elected members, publishing public notices in newspapers, subscriptions to databases and professional body membership. Some services will benefit multiple licensing regimes and therefore a percentage of the overall cost will be charged to each.
- **General administration.** A proportion of the time it is estimated will be spent, in year, on activities not related to individual cases/applications, such as general enquiries, budget monitoring, fee setting, reviewing policy, webpage updates, staff training, team meetings and completing central government returns. Some activities benefit multiple licensing regimes and therefore a percentage of the overall cost will be charged to each.
- **Compliance.** A proportion of the time it is estimated will be spent, in year, on recording and investigating complaints and reports which relate to 'licensed' street traders.
- **Enforcement.** A proportion of the time it is estimated will be spent, in year, on recording and investigating complaints and reports which relate to 'unlicensed' street traders.
- **Rolling reserve.** A proportion of any earmarked reserve, either positive or negative, caused by the Licensing service over or under recovering against budget for a particular regime in the previous financial year. By including this element, the Licensing service remains 'cost neutral' and does not either make a profit (which would be unlawful) or need to be subsidised by the local tax payer.

- **Processing.** The estimated time it takes, on average, to record, process and determine the particular application to which the fee relates.

19.4 Fees are reviewed on an annual basis, with any changes coming into effect on the 1st of April.

DRAFT

Appendix 1 – Maps of the district



Local Government (Miscellaneous Provisions) Act 1982

Street trading consent application notice

<Name of applicant> has applied to Somerset West and Taunton Council for a street trading consent to allow them to sell articles at this location.

They intend to sell <accurate description of articles it is intended to sell>.

The proposed trading hours are:

For more information about the application, please phone the Licensing Team on 0300 304 8000.

Any person wishing to make a representation in relation to this application must give notice in writing to the licensing authority, giving in detail the grounds of objection by no later than **<insert deadline for representations, which is 28 days beginning on the day after the application is served on the licensing authority>**. Representations can be submitted by email to enquiries@somersetwestandtaunton.gov.uk

Appendix 3 – standard consent conditions

General

1. Trading must only take place between the following hours only:
2. The consent holder must only trade at the location(s) identified below and in the manner shown on the approved plan:
3. The consent holder must ensure they have written permission from the respective landowner to occupy the area.
4. The consent holder must only trade from the following van / vehicle / stall / barrow / cart:
5. The consent holder must only sell the following articles (items):
6. Counterfeit articles must not be sold.
7. This consent, or a copy of it, must be prominently displayed at the trading location(s), during the course of trading, so that it is clearly visible to the public.
8. The consent holder and any assistants employed by them, must treat the public (including other street traders) fairly and with courtesy at all times.
9. The consent holder must ensure that their business/activity is conducted in a way that does not:
 - a) Cause a nuisance to residents and businesses nearby.
 - b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
 - c) Endanger the public, themselves or any assistant they employ.
 - d) Obstruct the emergency services.
10. The consent holder must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient suitable containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attract pests.
11. The consent holder must ensure that the refuse and waste containers they provide are not emptied into public bins.
12. The consent holder must ensure that they and any assistants employed by them have adequate access to proper toilet facilities.
13. Advertising signs and boards e.g. 'A' boards, must comply with Somerset County Council's 'Unauthorised Signs and Goods Displayed on the Highway' policy, which is that signs must:

- a) Be no more than 0.5 metres wide and 1 metre tall.
- b) Be adjacent to and not protrude more than 0.5 metres from the trader.
- c) Not be of a design that swings or revolves.
- d) Not be a hazard to pedestrians, particularly those who are visually impaired.
- e) Not be positioned within 2 metres of a pedestrian crossing point.
- f) Not interfere with the visibility of motorists.
- g) Allow a minimum of 1.8 metres of unobstructed footpath to allow people to pass.
- h) Not force pedestrians into the road at any location.
- i) A maximum of one sign is permitted.
- j) The consent holder must indemnify the County Council by Public Liability Insurance to the value of 5million pounds.

14. The consent holder must not cause or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.

15. Fire hydrants, manholes and other street furniture must not be obstructed.

16. The consent holder must, at all times, have in place public liability insurance cover with a minimum liability of £5million.

Town centre conditions

17. The activity must be set up, ready to trade, by 9.30am and should not be moved or packed away before 4.00pm. Vehicles must not visit the consent area between these hours without special authorisation in writing from the Council, in order to reduce the risk of harm to pedestrians.

18. All electrical cables must be safely covered if they run along the ground, or suspended properly with support, to minimise the risk of harm to the public.

Mobile trader conditions

19. Vehicles may use chimes but not:

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