

Local Government (Miscellaneous Provisions) Act 1982

Street Trading Policy

Bradford District

Environmental & Regulatory Services
Licensing Team
Jacobs Well
Bradford, BD1 5RW

www.bradford.gov.uk



1. Scope

The City of Bradford Metropolitan District Council (the Council) has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading in the Town and City Centres within the District. This policy sets out the Council's standards for determining applications for, and enforcement of, street trading activities.

The Council has designated Town and City Centre areas as either prohibited streets or consent streets for street trading purposes. Maps of these areas can be found at Appendix A. The effect of these designations is that street trading in these areas is either prohibited, or prohibited without first obtaining consent to trade from the Council (subject to the legal exemptions).

Street trading is defined as the selling or exposing or offering for sale of any article or living thing) in a street.

The following are exempt from the need to obtain consent:

- (a) trading by a person acting as a pedlar;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order;
- (c) trading as a news vendor;
- (d) trading which:
 - is carried on at premises used as a petrol filling station; or
 - is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- (e) selling things, or offering or exposing them for sale, as a roundsman (e.g. milkman);
- (f) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- (g) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (h) the doing of anything authorised by Regulations made under Section 5 of the Police, Factories, Etc (Miscellaneous Provisions) Act 1916.

If consents are granted, then street trading will not normally be permitted from vehicles other than appropriate trailers, unless there is a specific special event. The Licensing Team should be consulted before any application is made.

The Council will apply this policy to all street trading activities to ensure consistency of decision-making. However each application will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

No consent is required for street trading in streets in the Metropolitan District which are not within the prohibited and consent areas, however, all highway regulations and laws regarding trespass on land still apply.

2. Aim of Bradford Council's Street Trading Policy

2.1 The Council has four main aims around which it has centred its ambitions for the district. These aims are:

- Supporting people: to promote social inclusion and enable communities and individuals to participate in improving the quality of life in the district.
- Creating jobs and prosperity: to create a thriving local economy, which are responsive to the needs of local communities.
- Protecting the environment: to enhance the quality of the local and global environment.
- Improving the Council: to be considered a high-performing Council by our local community, partners and peers.

2.2 The aim of the street trading policy is to provide a consistent and transparent approach to the regulation of street trading activities in the District.

2.3 To achieve this aim the Council is committed to partnership working with West Yorkshire Police and local fixed premise businesses.

2.4 The policy sets out how we intend to manage the street trading consent function within the district and how we will ensure the process is fair.

3. Interpretation

3.1 Any words or expressions in this policy have the meanings assigned to them under the 1982 Act or regulations made there under or, in absence, guidance issued by the Secretary of State or guidance produced by the Council.

4. Application Process and Fees

4.1 Applications must be made in writing, or electronically, on the application form provided by the Council and be accompanied by a copy of the applicants current Public Liability Insurance and the appropriate consent fee.

4.2 Along with the procedure set out in 4.1, proposed food businesses should be registered under the Food Safety Act 1990 (as amended) and related regulations with the Local Authority where their vehicle is based and provide evidence that they are registered. If the business is based in the Bradford, evidence is not required. If the business is based in the Bradford district, and is not currently registered with Bradford Council, they must register with the Council's Environmental Health Team before a consent will be granted. Environmental Health can be contacted on 01274 434366, or by emailing ep.admin@bradford.gov.uk

4.3 Applications will be acknowledged within 5 working days of receipt.

Where there are no representations received, and applications otherwise meet the criteria set out in this policy document, consents will be issued within 20 working days after receipt (allowing for a 2 week consultation period).

Where representations are received which cannot be resolved between the parties, applications will be referred to the Regulatory & Appeals Committee as soon as possible after the 2 week consultation period (see 10.5 below for further information).

4.4 Once a decision has been made on the application, the applicant will be notified in writing.

4.5 The current scale of fees is detailed in Appendix B.

5. Consultation with interested parties

- 5.1 On receipt of an application, the Council may request further information, depending on the circumstances of each individual application. Prior to determining an application, the Council's Licensing Team will consult with City Centre Management Staff and the West Yorkshire Police, unless it is deemed that due to the nature of the application that consultation is unnecessary.
- 5.2 Where structures, including marquees and gazebos etc. are to be used as part of a street trading consent, the Council may request a Public Safety Liaison Group Form be completed and submitted to the Public Safety Liaison Group. This will then be circulated to members of the group who may provide advice on public safety and the use of structures on a highway and recommendations on any appropriate conditions relating thereto.

A Public Safety Liaison Group form will be required where a structure is to be erected as part of a street trading consent in Shipley Town Centre.

6. Consideration of Applications

- 6.1 The Council will consider each individual application on its merits and will normally grant a street trading consent unless, in its opinion:
 - a) There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to the public.
 - b) There is undue concentration of traders trading in the street in which the applicant desires to trade.
 - c) The consent, if granted, will result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the consent.
 - d) The size, nature or appearance of the proposed stall (and any associated equipment) is inappropriate for the proposed location in terms of amenity or public or highway safety.
 - e) The proposed trading hours are outside the usual business hours of shops in the vicinity (except in relation to a trader wishing to sell hot food, which will be considered on a site by site basis).
 - f) There are any additional issues arising from any consultations, including previous convictions for relevant offences (dishonesty, food safety, health and safety, licensing or other related issues).
 - g) There has been a failure on a previous occasion to pay street trading consent fees within agreed timescales.
- 6.2 The Council will also take into account relevant city and town centre policies and aims when considering applications for consent to trade.
- 6.3 Generally, occasional consents will be limited to a maximum of 1 week per calendar month per organisation.

7. Conditions applicable to street trading consents

- 7.1 Conditions will normally be imposed in all cases specifying:
 - Permitted location, date and times of trading
 - Permitted goods

- Permitted vehicles
- Display of the Street Trading Consent and its conditions
- Provision of satisfactory hand washing and litter facilities if food is sold
- Permitted use of signage that is not an integral part of the vehicle, including fly posting and A boards.

7.2 All consents will include a condition which requires the consent holder to have valid public liability insurance, with minimum cover for single claims of £2 million.

7.3 The standard conditions applicable to all street trading consents, unless specifically excluded or varied, are set out in Appendix C.

8. Events

8.1 At larger or special events, such as Continental Markets and Christmas Fairs, the Council will issue one street trading consent to the event organiser, rather than each individual trader, if that event organiser or company is responsible for all the traders under their permission.

8.2 The Council will require that the event organiser produces a list of the individual traders before the trading day and that the traders hold and are able to produce some authorisation from the event organiser.

8.3 The Council will require the event organiser to ensure that all individual traders hold an insurance certificate for third party liability cover to the appropriate amount.

8.4. Where a large or special event is being held, consent to trade within the same area will not normally be granted to organisations who are not part of the event.

9. Enforcement

9.1 Any enforcement action taken by the Council will be in accordance with its enforcement policy (available on the Council's website www.bradford.gov.uk/licensing) and will take into account the Government's and Regulator's Compliance Code.

9.2 Failure to comply with the conditions may lead to suspension, revocation or non-renewal of the consent.

9.3 Any person found trading in a prohibited street or without consent in a consent street is guilty of an offence and may be subject to enforcement action by the Council.

9.4 If any person is found trading in a consent street with consent but without valid public liability insurance cover, such consent will be liable to immediate suspension or revocation.

10. Administration and Delegation of Functions

10.1 The powers and duties of the Council with regard to Street Trading Consent may be carried out by the Regulatory & Appeals Committee or by Licensing officers acting under delegated authority.

Since many of the functions are administrative or compliance monitoring based in nature, in the interests of speed, efficiency and cost-effectiveness, the Council supports the principle of delegating routine matters to officers as detailed at 10.5 below.

10.2 At the Licensing officers' discretion, applications normally dealt with by Licensing officers may be passed to the Regulatory & Appeals Committee for determination.

10.3 Where representations are received, the Council will initially suggest that both parties attempt to reach a solution to the concerns raised. If agreement is not reached, the Council's Regulatory & Appeals Committee will determine the application.

The applicant and those parties making representations will be invited to attend the committee meeting to give evidence and answer questions. Members of the Committee will then consider all information attached to the application and the contents of this policy. They may grant consent as requested, grant with additional conditions or refuse the application.

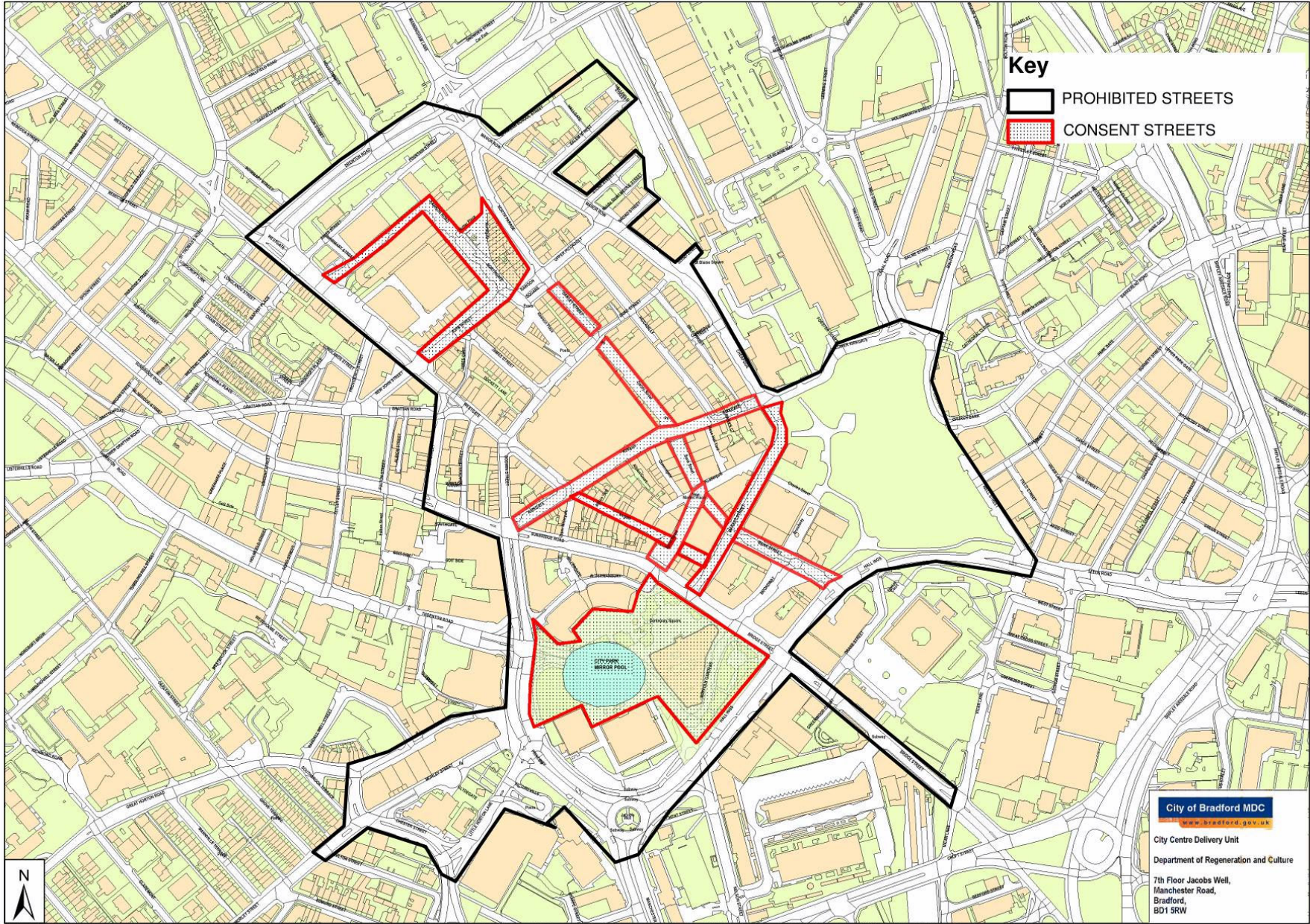
10.4 Due regard will be given to the principles of the Human Rights Act 1998 and the Equality Act 2010 when the Council is determining applications for consent.

10.5 The delegation is as follows:

Matter to be dealt with	Regulatory & Appeals Committee	Licensing Officers (consulting with City Centre Management)
Grant or renewal for a Street Trading Consent	If a representation is made	If no representation is made
Grant or renewal for Street Trading Consent for a Special Event	If a representation is made	If no representation is made
Review of policy & conditions	In all cases	
Refusal, Suspension or Revocation of Consent	In all cases, except where the set conditions or criteria are not met/breached	In cases where the set conditions or criteria are not met/breached

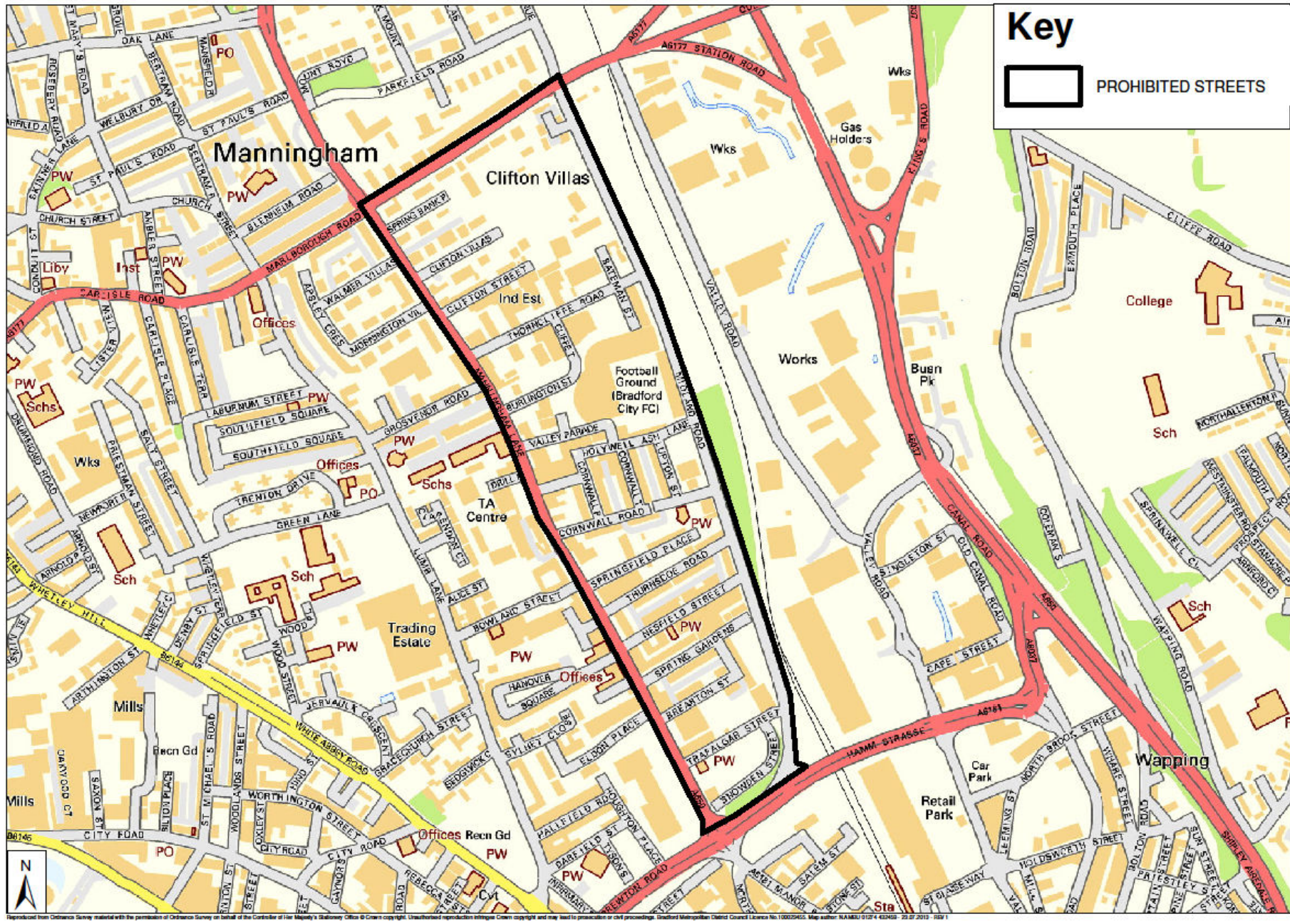
Appendix A - Prohibited and Consent Area Maps

Bradford Centre



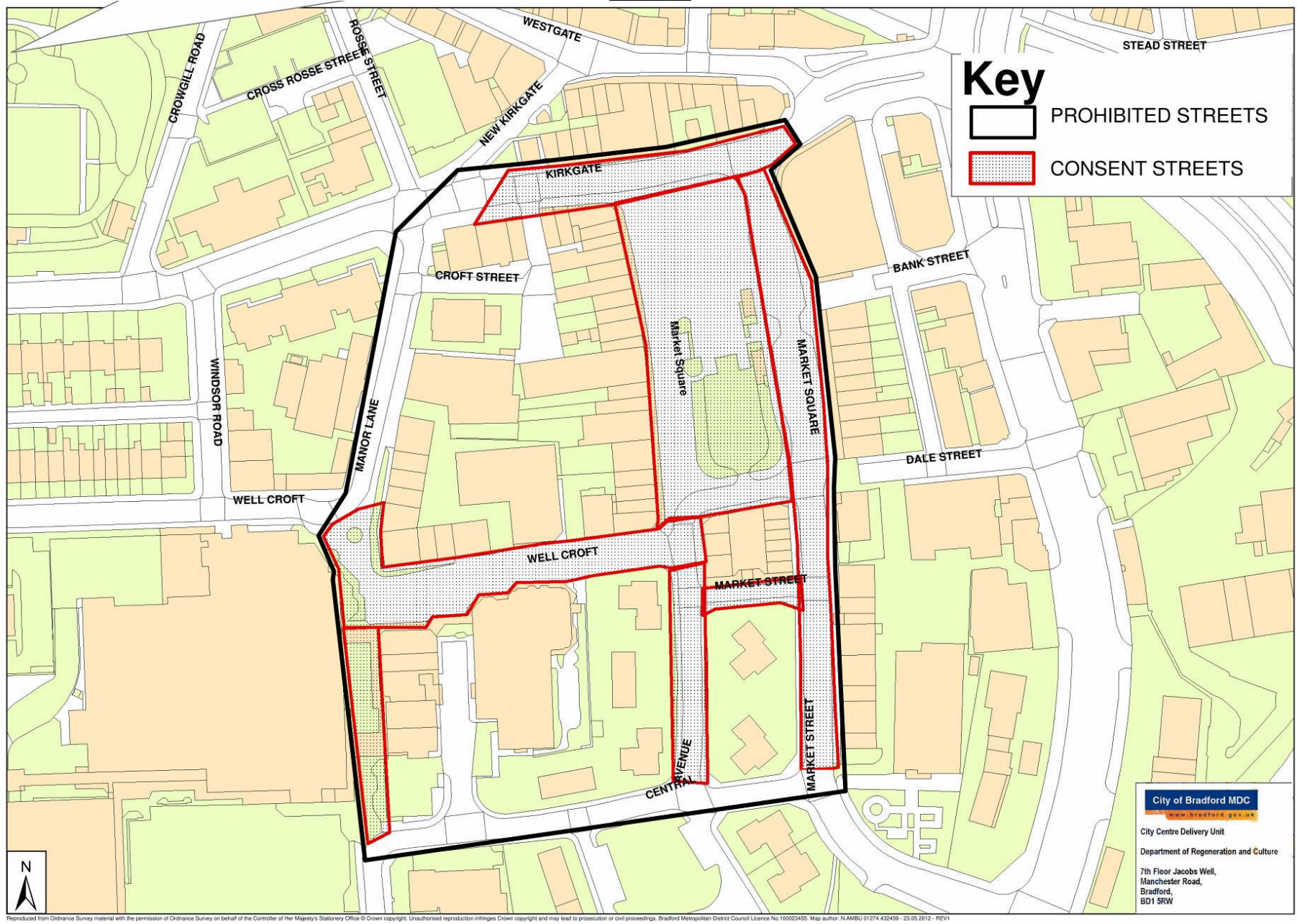
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Bradford – Midland Road Area

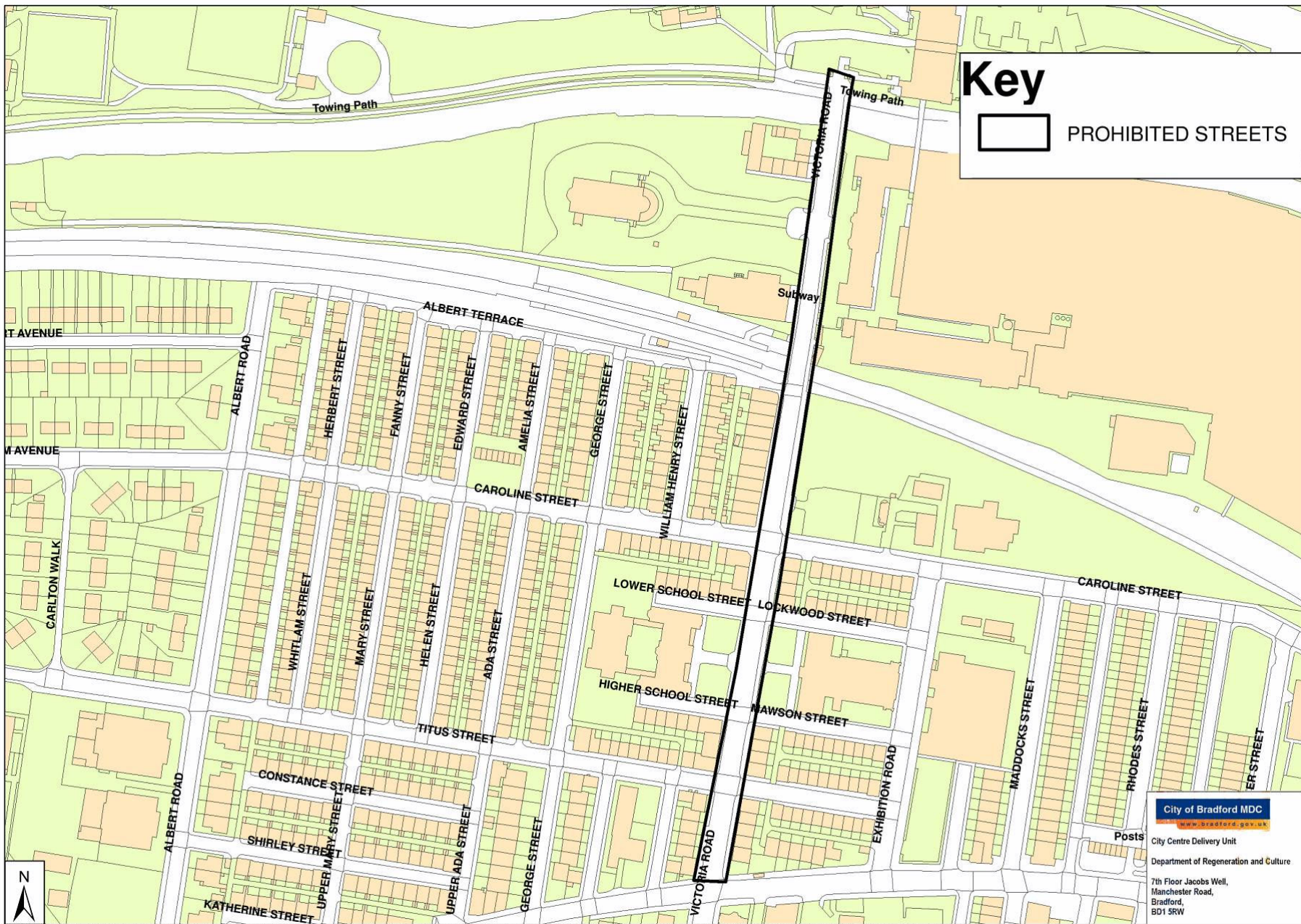


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ShIPLEY

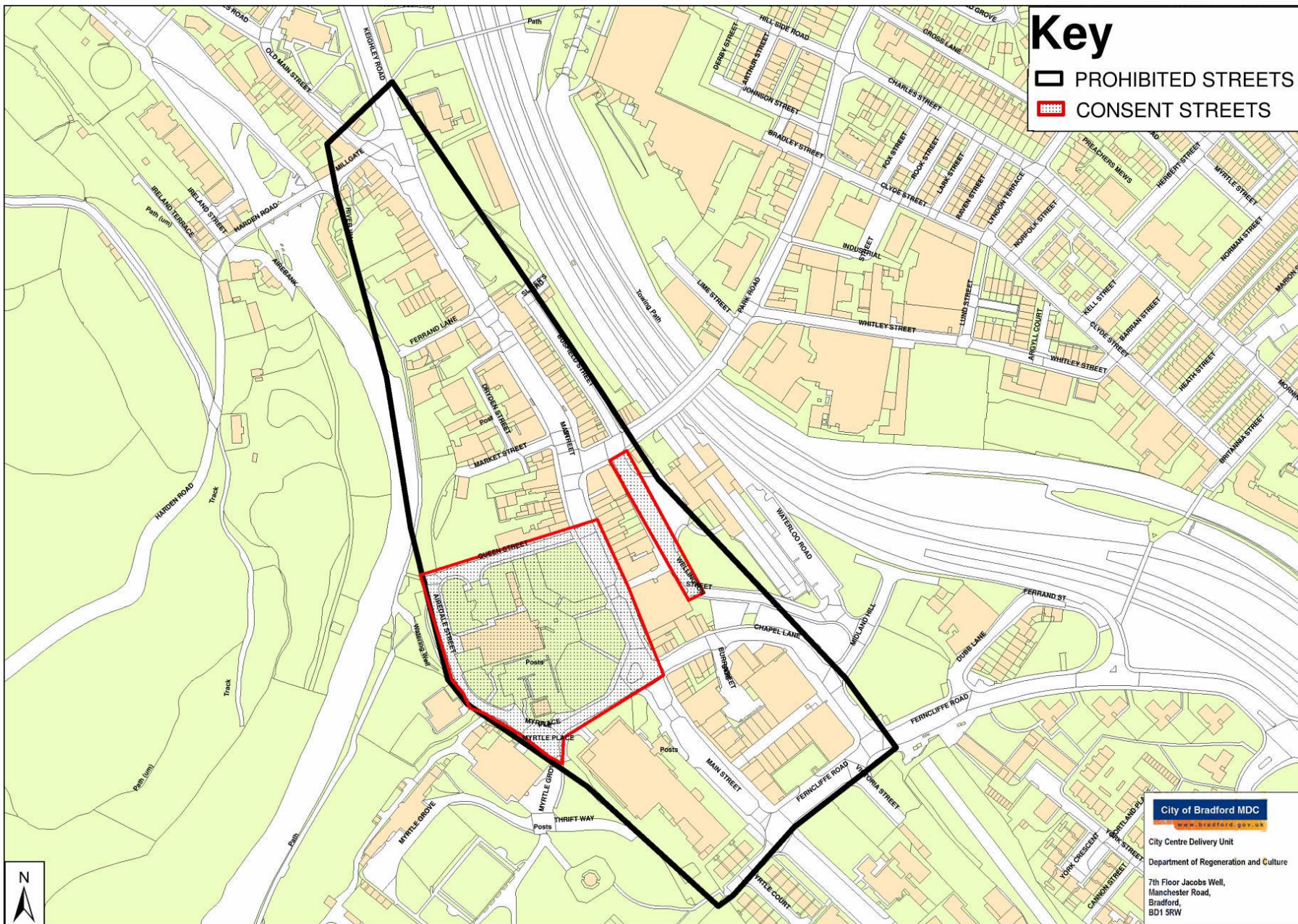


Saltaire



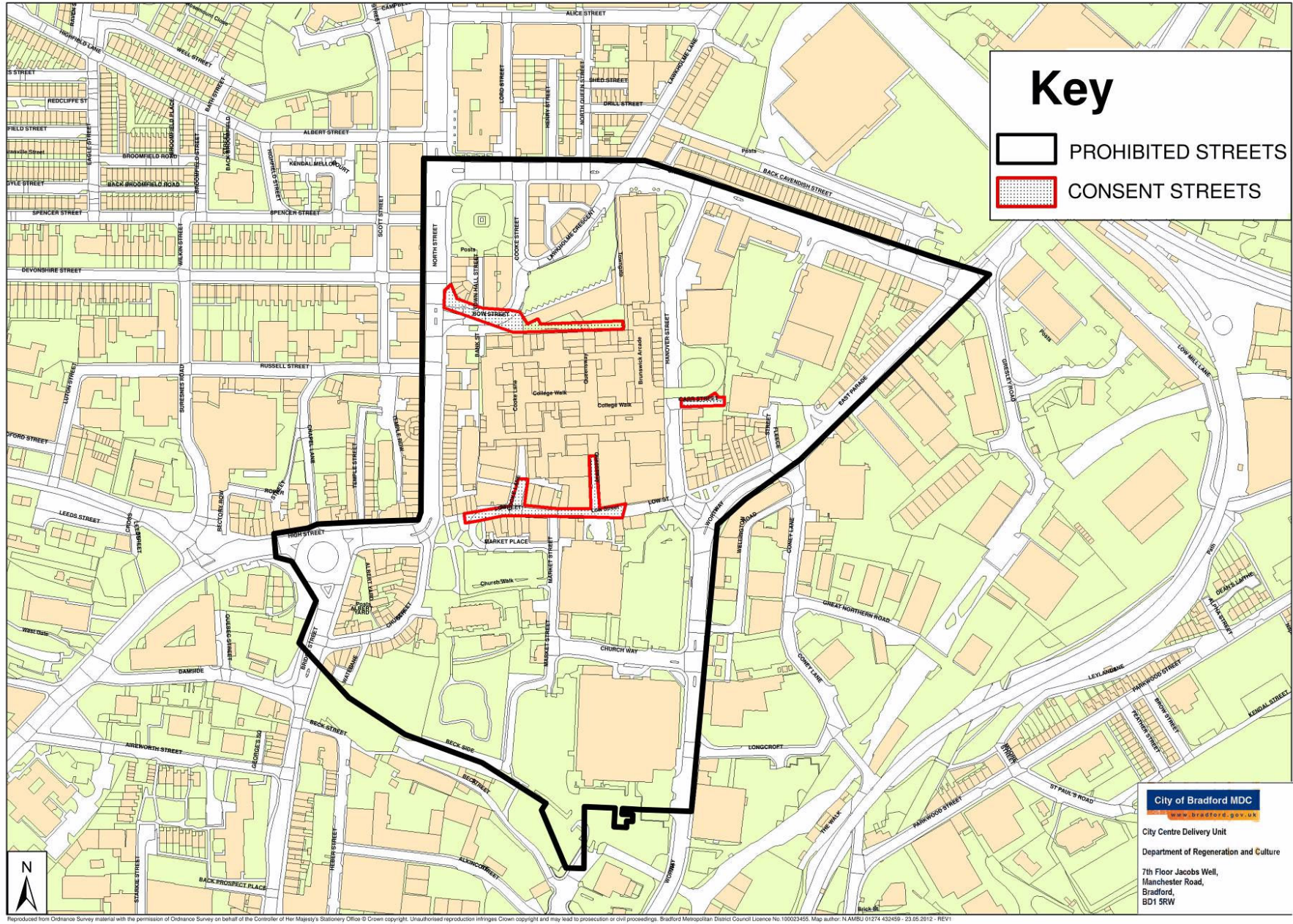
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Bingley



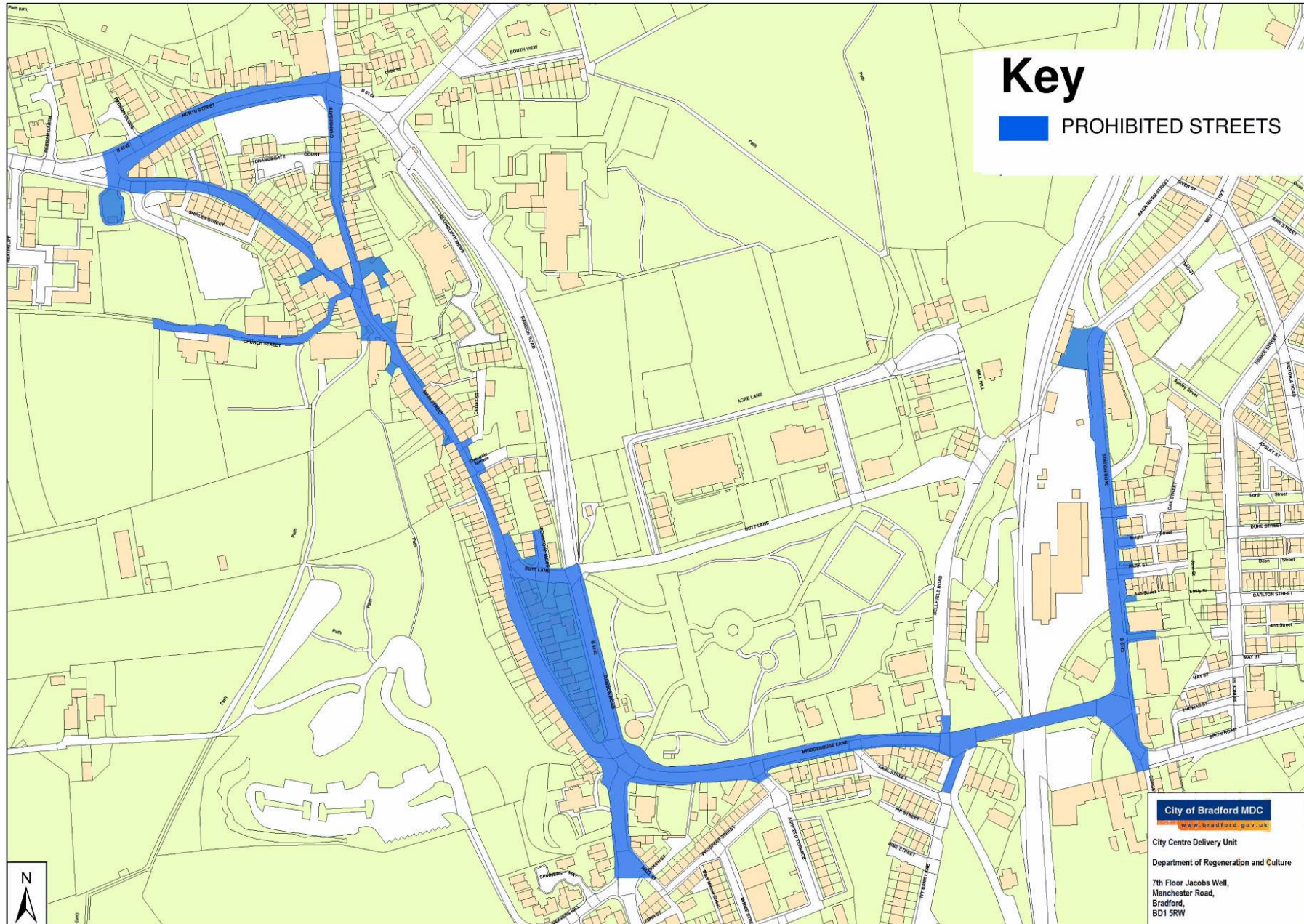
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Keighley



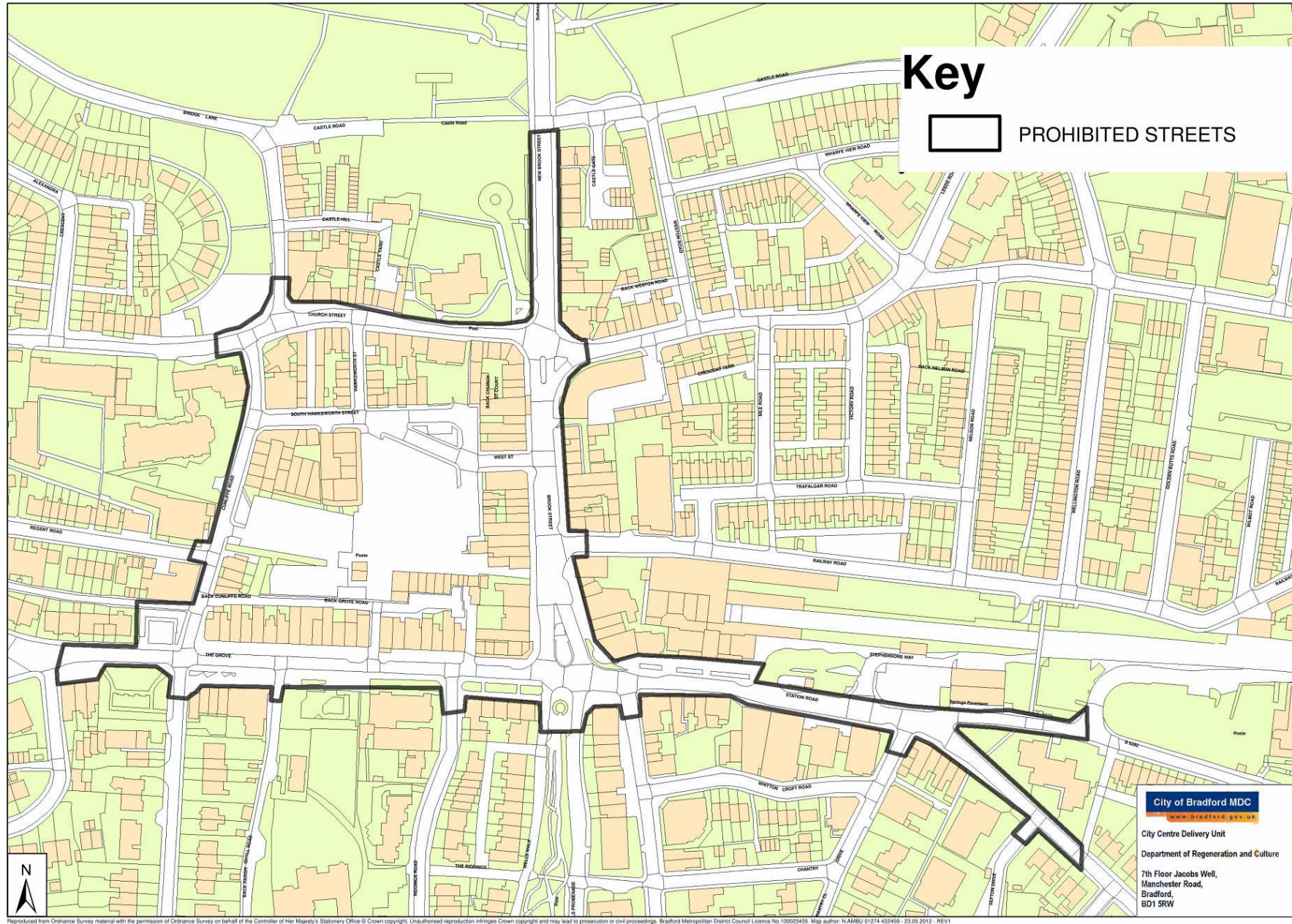
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Haworth



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Ilkley



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List of Consent Streets in the Bradford District

Consent streets in Bradford City Centre:

Bank Street, Broadway (part), City Park, Centenary Square, Darley Street, Ivegate, John Street, Kirkgate, Market Street, New Market Place, Norfolk Gardens, Northgate, Nutter Place, Ostler Square, Rawson Road, Tyrrel Street.

Consent streets in Keighley Town Centre

Bow Street, Carr Street, Cooke Lane, Low Street, Queensway.

Consent streets in Shipley Town Centre

Central Avenue (part), Kirkgate (part), Market Square, Market Street (part), Well Croft.

Consent streets in Bingley Town Centre

Airedale Street, Main Street (part), Myrtle Place, Queen Street, Wellington Street (part).

Appendix B

Scale of Fees

Occasional consent - commercial:

½ Day £49

1 Day £98

1 Week (7 days) £460

Occasional consent - charitable/educational: No fee

Occasional Street Trading Consents

Conditions of Operation

Availability

1. No street trading shall take place except between 08.00 and midnight Monday to Saturday and on Sunday only where the trade is in compliance with the Sunday Trading Act 1994 ("the hours of trading"). Only trading during the times specified on the consent will be permitted.

Vehicles & Stalls

2. Any vehicles which are used to transport a stall, unit or goods to the consent site must be in situ for no more than 30 minutes prior to the start of each day's trading and be removed from the site within 30 minutes of the end of each day's trading.
3. If a vehicle forms part of a promotion and is to be left parked within a Pedestrian Zone, the Council's Parking Services should be informed on 01274 434300. Failure to contact Parking Services may result in a penalty notice being issued.
4. Vehicles will not be allowed access to the Pedestrian Zones in Bradford City Centre between 10.30am and 4.30pm.
5. Vehicles will not be allowed access to the Pedestrian Zones in Shipley Town Centre between 9.00am and 4.30pm.
6. Vehicles will not be allowed access to the Pedestrian Zones in Keighley Town Centre between 8.00am and 5.00pm
7. Where any structure is to be erected as part of a street trading consent in Shipley Town Centre, including gazebos, marquees and stalls, a Public Safety Liaison Group form must be completed and submitted to the Public Safety Liaison Group.
8. Any structure erected as part of a street trading consent must be made secure.
9. The consent holder's stall, unit or vehicle shall be kept in a clean, safe and well maintained condition.

Personnel

10. No more than 4 persons representing the organisation can work from a street trading consent site. Personnel must wear identification giving their name, the organisation's name and their photograph at all times.
11. Activities by personnel employed by the organisation must be restricted to the location detailed in the consent.

12. A copy of the consent shall be held on location when trading and must be produced when requested by Police or authorised Council Officers.
13. Consent sites should be supervised at all times and a consent holder must ensure that any other person employed to assist in trading also complies with the aforementioned conditions.

General

14. Trading activities shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any land or building.
15. The consent holder shall not seek to attract custom by calling or making any noise by means of an instrument or loudspeaker.
16. No water or waste material shall be discharged onto the highway or any adjacent property.
17. The consent holder shall remove all refuse within a 25ft. radius of the consent site from time to time during the day of trading and every day at the end of trading.
18. The consent holder shall comply with all reasonable requirements of City of Bradford Metropolitan District Council or its authorised officers.
19. If a consent holder or his/her employee is requested to move a stall, unit or vehicle by the Council, Police or Fire Officer, they must immediately comply with that request.
20. The consent holder shall not sell food or drink unless they are registered with the Council's Environmental Health Department under the relevant food safety legislation.
21. Any application by the consent holder to vary the list of authorised goods, attached to the consent, must be made in writing to the Licensing Team, Environmental & Regulatory Services. The proposed new goods should not be displayed until written approval is given.
22. The consent holder shall hold a valid insurance policy for public liability for single claims up to £2 million. An authorised officer of the Council may inspect such policy of insurance and the receipt for the current premium.
23. Any application for the grant of a street trading consent or renewal or proposed variation to an existing consent must be made in writing to the Council. A consent holder may terminate a consent by written notice to the Council.
24. These conditions of operation may be varied by any Special Conditions relating to a particular location or particular type of goods to be offered for sale.
25. The consent fee is payable in advance.
26. Street trading consents are not transferable.

FOR INFORMATION

Offences under Schedule 4, Local Government (Miscellaneous Provisions) Act 1982.

Any person who:

- (a) engages in street trading in a prohibited street; or
- (b) engages in street trading in a consent street without being authorised to do so by the Council; or
- (c) trades from a stall/vehicle other than that for which a consent has been given; or
- (d) trades in a location other than that for which a consent has been given; or
- (e) trades at times other than those for which a consent has been given; or
- (f) contravenes any of the Conditions of Operation for Consent Holders as listed above

shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

It shall be a defence for a person charged with such an offence to prove that he or she took reasonable precautions and exercised all due diligence to avoid the commission of the offence.

At all times the consent holder must comply with all the statutes and legislative orders currently in force.

Charity Collections and sales

A Street Collection Permit is required if you make a collection or sale for charity on the street. Applications for this require a minimum of 2 weeks notice and should be made to the Licensing Team, 3rd Floor North, Jacobs Well, Bradford, BD1 5RW, telephone number 01274 432240, email licensingteam@bradford.gov.uk.