

APPLICATION FOR A STREET TRADING CONSENT

TICK APPROPRIATE BOX FOR APPLICATION TYPE

APPROVED LOCATION

MOBILE CONSENT

PRIVATE LAND CONSENT

CITY OF WOLVERHAMPTON C O U N C I L

STREET TRADING CONSENT GUIDANCE NOTES

City of Wolverhampton Council regulates street trading under the provisions of the Local Government (Miscellaneous Provisions) Act 1982. Therefore, any persons engaging in street trading must obtain consent from the Council.

Street Trading is defined as “the selling or offering for sale of any article (including a living thing) in the street. This includes food such as burgers, sweets, doughnuts, flowers, ice cream etc or other things such as household items.

NEW APPLICANTS

- (a) The Council reserves the right to take into account any factor which it considers relevant when considering an application and reserves the right to grant or refuse a Street Trading Consent on the individual merits of a particular case.
- (b) Any applicant has a right of appeal against the decision not to grant the consent. Details of the appeal process are available from the Licensing Services.
- (c) Successful applicants will be issued with their Street Trading Consent and Identity Card from the Licensing Services.
- (d) Following the consent being granted, an invoice will be issued to the consent holder advising the holder of the appropriate fee and how and where to pay it.
- (e) Consents commence on 1 April each year and are granted for 12 months. New consents granted after 1 April will only be granted until the following March
- (f) Consent holders are reminded that it is their responsibility to be aware of all existing and future legislation with regard to their proposed street trading activities.
- (g) All Applicants applying for a new consent within Phase I (Dudley Street/Queen Street/Bilston Street) will need to comply with ALL the requirements listed below in order to consider the application for consent.
 - Health & Safety issues such as: (see diagram page 7)
 - Protruding counters and counter height
 - Tow bars to be removed or encased correctly
 - Gas cylinders stored within units
 - Portable generators encased
 - The requirement that the following is displayed:
 - The Traders Name
 - The Product/s on sale
 - The price list for the product/s on sale
 - No advertisements to be placed on the exterior of the unit. Traders will however be required to display their consent to trade in a prominent position within the interior of the unit.
 - The unit must be plain white or silver.

Licensing Services

Civic Centre
St Peters Square
Wolverhampton
WV1 1DA

Tel: (01902) 551155
Fax: (01902) 554380
Email: licensing@wolverhampton.gov.uk

APPLICATION FOR STREET TRADING CONSENT

I wish to apply for the new street trading consent outside the location of
..... within the boundaries of Wolverhampton City.

ABOUT YOURSELF	
Title:	
First Name(s):	
Surname:	
Date of Birth:	Age:
National Insurance Number:	
House Name/Number:	Street/Road:
District:	Town/City:
County:	Post Code:
Home Telephone Number:	Mobile:

FIRM OR TRADING NAME DETAILS	
If the applicant is applying on behalf of a firm etc. please complete this section.	
Name:	
Address (if different from above):	
District:	Town/City:
County:	Post Code:
Telephone:	Fax:

“UNIT” DETAILS

“Unit” includes vehicle, trailer, cart, barrow and portable stall
Description (Including makers name, height, length and width):
Registration/Distinguishing Number:
(IF YOU CHANGE YOUR VEHICLE YOU MUST INFORM US IMMEDIATELY WITH NEW DETAILS)
Fleet Number (If applicable):
Stall Storage Address:
Is a portable generator to be used? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes - The use of portable generators are subject to prior agreement and if permitted must be encased in an appropriate cover and secured to prevent movement of the unit.

TRADELINE

Details of Goods to be Sold – please list all goods to be offered for sale:
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PUBLIC LIABILITY INSURANCE DETAILS

Name of Insurer:
Policy Number:
Policy Amount should be at least £5 million:
Policy Start Date:
Policy Finish Date:

FOOD TRADERS

Is your food business registered with Wolverhampton City Council YES <input type="checkbox"/> NO <input type="checkbox"/>
If no please state the name of the Local Authority where your food business is registered:
State the name of local authority which inspected your ‘Unit’:
Date of last Inspection:

I acknowledge that I have checked the information given on this application form to the best of my knowledge and believe it is correct.

I will notify you immediately if my vehicle details change.

Signature of Applicant

Date

Check List:

- 1. **Public liability insurance certificate of £5 million**
- 2. **Driving licence or passport**
- 3. **A current utility bill (within 3 months)**
- 4. **All foodstuff traders and any persons employed in the 'Unit' must provide evidence of appropriate food hygiene training.**
- 5. **Letter of Consent from Private Land Owner (if applicable).**
- 6. **There is no need to submit photographs with your application a photograph will be taken at your appointment which will be free of charge.**

PLEASE NOTE: ALL DOCUMENTS MUST BE ORIGINALS

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see:

<http://www.wolverhampton.gov.uk/article/3057/Fraud-and-Corruption>

PLEASE CONTACT LICENSING ON (01902) 553834 IN ORDER TO ARRANGE AN APPOINTMENT TO SUBMIT YOUR APPLICATION.

DESCRIPTION OF CONSENTS

A Consents

Locations allocated to trade in Dudley Street, Victoria Street, Skinner Street, Cleveland Street, Bilston Street and Queen Street, Wolverhampton.

The annual consent permits trade Monday to Sunday 07:00 until 18:00 hours (until 21:00 hours during Christmas Late Night Shopping).

AB Consents

Locations allocated to trade Church Street, Bilston.

The annual consent permits trade Monday to Sunday 06:00 hours until 20:00 hours.

AF Consents

Locations allocated to trade on the highway around the Molineux Football Stadium.

The annual consent permits trade on match days only.

AW Consents

Locations allocated to trade High Street, Wednesfield.

The annual consent permits trade Monday to Sunday 06:00 hours until 20:00 hours.

AE Consent

The annual consent permits trade Monday to Sunday 20:00 hours until 06:00 hours.

However, if these consent holders sell food and drink after 23:00 hours, they will require a premises licence under the Licensing Act 2003 which will relate to a specific premise and location.

B Consent

The issuing of B Consents will be restricted to applicants whose typical purpose is the sale of ice-cream or snacks by means of a mobile unit.

The consent permits trading Monday to Sunday 08:00 hours until 20:00 hours.

No trading is permitted in any area within a $\frac{3}{4}$ mile radius of any Wolverhampton City Council market.

No trading is permitted within 50 metres of:

- any entrance or exit to an educational establishment
- any retail shop or unit
- any religious premise or building; or
- any licensed premises

Not more than one consent holder is permitted to trade in particular street at any given time.

No trader may remain static for more than 60 minutes in one location.

This consent is not valid within the perimeter of any Council Park, Recreation Ground or Open Space.

CF Consent - Food - Other City Areas

The consent permits trading Monday to Sunday 06:00 hours until 20:00 hours

CFL Consent - Flowers - Other City Areas

The consent permits trading Monday to Sunday 06:00 hours until 20:00 hours

PLF Consent - Food

The consent permits trading on private land.

PLNF Consent - Non Food

The consent permits trading on private land.

PLM Consent - Molineux Match Days

The consent permits trading on private land on match days only.

EXEMPTIONS FROM THE REQUIREMENTS TO HAVE A STREET TRADING CONSENT

The following activities are not street trading for the purposes of the 1982 Act:-

a. **Peddler**

The 1982 Act exempts from requirements to hold a street licence or consent to a person “trading” as a peddler under the authority of a Peddler’s Certificate granted under the Peddlers Act 1872. Peddler’s Certificates are issued by the local Police Authority.

b. **Trading at a Market or Fair**

Trading carried out at a market or fair is exempt provided the activities are held under a charter which has been granted, or established by statute. The Markets Division regulates any market or fair activities which may be in competition with the Council’s Markets within 6²/₃ miles from the city centre.

c. **Section 112 Highways Act 1980**

The Secretary of State has power to provide picnic sites on land adjoining or in the vicinity of certain major roads including motorways. Motorway service areas are regarded as falling within this exemption.

d. **Trading as a News Vendor**

This exemption applies where the only articles sold or offered for sale are newspapers and periodicals. These must not be exposed or offered for sale from a stall or receptacle except where such a piece of equipment does not exceed one metre in length or width or two metres in height: occupy a ground area exceeding 0.25 square metres or stand on the carriageway of a street.

e. **Trading carried on at a Petrol Filling Station**

This exemption enables people operating petrol stations to offer on their forecourt a range of goods without the necessity of seeking a street trading licence. If this exemption had not been included such activities would have fallen within the scope of the legislation because the forecourt would be classified as a place to which the public have access without payment and would, therefore, fall within the definition of a “street” contained in the Act.

f. **Trading in and around Shops**

As the public clearly have access to shops without payment it is possible they could have fallen within the terms of the legislation had this exemption not been included. The exemption also covers trading which takes part in a street adjoining the premises used as a shop where the trading outside is part of the business of the shop.

g. **Rounds Men**

Milkmen, coal men and other people who offer or expose goods for sale may lawfully trade without a street trading consent. The purpose of this exemption is for traders with recognised customers to continue to be able to deliver their goods. In a 1973 case it was held that rounds men seeking new business might be outside the exemption.

h. **Part VIIA Highways Act 1980**

The Highways Act 1980 contains various provisions which prohibit obstruction of the highway and the unauthorised displays of goods or stalls on the highway. Failure to comply with these provisions may constitute an offence. Regulatory Services Public Protection Enforcement Officer monitors potential obstructions of the highway. Trade in accordance with the provisions of a street trading consent is permissible. However other forms of trading such as trading around a shop on the highway may require a separate form of consent under Part VIIA of the Highways Act 1980.

i. **Street Collections**

Where a person is carrying out a duly authorised street collection then they do not need to obtain a street trading consent. Street Collection Permits are issued by the Licensing Services, Civic Centre, St Peter's Square, Wolverhampton WV1 1DA.

STREET TRADING CONSENT CONDITIONS

General

1. Under the terms of the above legislation, the Council may, at any time vary the conditions of a street trading consent. The legislation further states that the street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

Upon grant of a street trading consent a street trader will be required to comply with the following terms and conditions which are attached to the consent. Any breach of the attached conditions may result in the revocation of the consent.

Consent details

2. Two types of consents will be issued, one for display purposes that excludes the consent holders address (display consent) and one that includes the consent holders address (official consent). The display consent must be displayed in a prominent position in the unit at all times.
3. The consent shall be produced whenever required by a Police Officer or any officer duly authorised by the Council.
4. The consent holder shall within 14 days of a change of address, notify Licensing Services and return the official consent for amendment.
5. If a consent holder does not trade/intend to trade for a period in excess of 14 consecutive days they must inform Licensing Services.
6. The consent holder shall comply at all times with all legislation in respect of his/her trade, particular regard to Planning, Food Hygiene, Health and Safety and Control of Pollution matters including (where applicable) limitations on the use of chimes or other types of loud speaker. Such compliance shall be not only in respect of his/her unit but also the premises at which the same is kept.
7. A notice to surrender the consent, of 28 days, must be given in writing to Licensing Services. An appropriate apportioned refund of the annual consent fee will be paid to the consent trader as soon as practicable after the surrender date. This condition does NOT relate to mobile 'B' consents where no fee refund is available.

Trading Location

8. The street trading consent allows trading from the allocated pitch unless otherwise stated; the pitch area is defined on any map that accompanies the issued consent. The unit, its parts and commodities for sale must be contained within the marked boundaries of the pitch, the boundaries being either physically marked and/or detailed on any map that accompanies any issued consent.
9. Use of tables and chairs by street traders is prohibited, unless permission is granted under the Highways Act 1980 s.115(e). (A separate application process applies for this permission. Please contact Licensing Services for further information). Bins shall be provided for the use of customers of food based traders

Trading Unit

10. The unit must be of a size and design approved by Licensing Services.
11. The consent holder shall ensure that a current price list of articles sold is prominently displayed on the unit at all times.
12. Any tow bar must be enclosed to house all workings or removed to a protected position.
13. The use of portable generators are subject to prior agreement with Licensing Services and if permitted must be encased in an appropriate cover and secured to prevent movement of the unit, excess noise and not cause danger to any person. Any trailing cables must be protected or so sited as to prevent a tripping hazard.
14. All gas cylinders should be stored within a 30 minute fire resistant construction within the trading unit only accessible by an external opening.
15. Waste water, grease, debris etc must not be disposed of by use of the public drains. Should any blockages take place and cleaning be required the consent holder will be liable for the cost incurred. If you have a discharge consent from the relevant 'water undertaker' e.g. Severn Trent, then a copy should be provided to Licensing Services.
16. All rubbish, etc, within 20 metres of the allocated pitch generated from the consent holders' trade must be removed at the end of each day and disposed of via a registered waste carrier or facility.
17. The consent holder shall ensure that at no time he/she causes:
 - i) Obstruction of the street or shop entrances or danger to persons using the same;

OR

- ii) Nuisance or annoyance to persons using the street, or traders, shopkeepers, or otherwise.
- 18. The consent holder will be responsible for any damage caused to the electricity supply bollards where applicable and for payment of the standing charge and all electricity used.
- 19. The consent holder will be responsible for any damage caused by trading activities to the pavement etc including marks on the surface area, any work required to replace or clean the areas will be charged to the consent holder.
- 20. The consent holder must carry Public Liability Insurance of the current sum (as stated on the application form) required to indemnify the Council for a claim or number of claims from any incident throughout the period of the consent.
- 21. All consent holders should carry out a health and safety check/risk assessment on the unit, access and egress arrangements and equipment on a regular basis. A copy of this document should be available for inspection at the unit during operational hours.

Trading Hours

- 22. The trader must restrict trading to the days and hours as outlined on the consent at the time of grant and/or renewal. However loading and unloading will be restricted to the hours of the appropriate Traffic Regulation Order in force at the time or by direction of West Midlands Police or other authorised officer.
- 23. The consent holder shall ensure whilst trading his/her current identity badge is worn at all times.

Trade Lines

- 24. This consent applies to retail sales only and applies to person(s) and the unit and commodities to be sold, as entered on the street trading consent.
- 25. Consent holders shall not offer for sale or display any articles or goods or anything whatsoever which is indecent or is likely to be offensive. The consent holder must immediately withdraw from sale any such articles or goods if required to do so by a Police Officer or any officer duly authorised by the Council.
- 26. Consent holders are permitted to apply for an addition or amendment to their trade line. The application must be made on the prescribed form.

Conduct

27. The consent holder and any assistants employed by them shall ensure the public are treated fairly and with courtesy.
28. A consent holder must notify Licensing Services in writing within 14 days of being convicted of any criminal offence.
29. The consent holder shall not permit any person under the age of 17 years to engage in street trading activities.
30. If the nominated responsible person on the unit changes then the consent holder must notify Licensing Services of the change within 14 days.

Fees

31. The consent fees applicable to the consent shall be paid either in full at the time of consent issue or by instalments by prior arrangement with the Director of Customer and Shared Services. The method of payment required will be agreed by Licensing Services at the time of application.
32. The trader must maintain this payment agreement and the fees must be paid in full by 31 December each year in order for Licensing Services to invite renewal. Traders that do not keep up with repayments will be required to pay the fee at the time of application in future.

Transfer of consent

33. Consent holders are permitted to apply to transfer their consent to a third party upon submitting of the appropriate application form and transfer administration fee if the consent holder has held said consent **for a 12 month period**.
34. The application to transfer must be made on the prescribed form and by the existing consent holder.
35. There must be no arrears of fees at the time of granting the transfer.

Additional conditions for food traders

36. Foodstuff traders are required to have their unit periodically inspected and approved by an Environmental Health Officer.
37. All foodstuff traders and any persons employed in the unit must have received appropriate food hygiene training or instruction.

Additional criteria for traders in Dudley Street/Queen Street/Bilston Street relating to the trading unit design

38. The height of opening shutters need to be 2.3 metres

39. Wherever possible a clear glass aspect to the trailer is required with signage and advertisements kept to a minimum.
40. Trailer to be located within 300mm of electrical bollard.
41. Shutters are not to overhang outside the designated pitch. Also open shutters must remain within the pitch.
42. Counter height min 900mm.
43. Goods are not to be displayed directly on the paving min 900mm high counter required, enclosed on all sides with approved panels.
44. All street trading units will be plain white or silver.
45. All trading units must display the following information on the unit:-
 - The trading name.
 - The product(s) on sale.
 - The price list for the product(s) on sale.
 - The consent to trade to be displayed in a prominent position within the interior of the unit.
 - No additional advertisements should be placed on the exterior of the unit.
46. All consent holders must adhere to traffic regulation orders restricting the movement of vehicles during operational hours and co-operate with the Markets Manager during the loading/unloading process each market morning and evening.
47. All consent holders must comply with any reasonable request from the Markets Manager on days when the market is in operation.
48. All consent holders must be trading during the advertised market trading hours.

Additional Conditions applicable to B (Mobile) Consents

49. No trading is permitted in any area within a $\frac{3}{4}$ mile radius of any Wolverhampton City Council market.
50. No trading is permitted within **50 metres of**:
 - any entrance or exit to an educational establishment

- any retail shop or unit
 - any religious premise or building : or
 - any licensed premises
 - Any other street trader
51. Not more than one consent holder is permitted to trade in a particular street at any given time.
52. No trader may remain static for more than 60 minutes in one location.
53. This consent is not valid within the perimeter of any Council car park, recreation ground or open space.

Additional Conditions applicable to consent holders on 'private land'

54. Consent holders trading on private land must be able to provide permission from the land owner that they have consent to trade from the site on the request of an authorised officer.

The Council may revoke this Consent at any time. Breach of any one or more of the above conditions or otherwise relating to his/her trade may render the Consent holder liable to revocation of this Consent.

Please note that any Street Trading Consent issued as a result of this application is issued to the named applicant and no other person. When the applicant ceases to trade he or she must inform the Council's Licensing Services with IMMEDIATE EFFECT.

ANNUAL STREET TRADING FEES
1 APRIL 2015 TO 31 MARCH 2016

	£
Molineux Area (Football Consents) (AF)	690
Bilston Town Centre (AB)	2170
Wednesfield Town Centre (AW)	1990
Evening Consents (AE)	1905
Other City Areas Food (CF)	1300
Other City Areas Flowers (CFL)	440
B Type Consents* (B)	460
Private Land Consent (PL)	95