



Street Trading Policy

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Introduction

Legislation

Local Authorities have the discretion to regulate street trading within their boundaries.

The powers to control street trading are granted following the adoption of Schedule 4 Local Government (Miscellaneous Provisions) Act 1982. Under Schedule 4 of the Act, we are able to manage street trading by designating streets as consent streets, licence streets, or prohibited streets.

Objectives

Gravesham want a safe, clean and attractive living and working environment, enhanced by a sustainable and increasingly energised local economy. We recognise the valuable contribution that street trading can make to the local culture and economy, and the services that street traders provide to residents and visitors.

The objectives of this policy are

- To ensure the safety of customers and other persons in areas where street traders are located.
- To balance the benefits to the community and street traders against the risk of others being adversely affected by street trading activities.
- To provide consistency and transparency.
- To provide applicants and consent holders with advice and guidance on our approach to the administration and regulation of street trading.

Review of the policy

This policy will be kept under a five-year review and where any significant amendments are considered necessary these will be approved by Full Council after appropriate and relevant consultations have taken place.

Consultees will include:

- Kent Police.
- Kent Highways.
- Kent Trading Standards.
- Kent Public Health.
- Relevant Gravesham Borough Council Teams and Services (to include Planning, Parking, Environmental Health, Economic Development, Town Centre Management, Leisure and Property Services).
- Ebbsfleet Development Corporation.
- Parish councils.
- Gravesham Borough Council Ward Members.
- Current street traders.
- Local businesses.
- The public.

Amendments that are required to reflect changes in legislation, and those which do not significantly alter the policy, will be made with the approval of the Director (Communities & Inclusive Growth).

What is street trading?

Definitions

The Local Government (Miscellaneous Provisions) Act 1982 defines street trading as the selling or exposing or offering for sale any article, including a living thing, in a street.

The Act states that a street includes any road, footway, beach, or other area to which the public have access without payment.

Gravesham's Resolution

We are designating the following as a consent street:

All roads, pavements, verges, laybys or similar pieces of land forming part of the public highway, unless there is a payment for entry.

Exemptions from needing a street trading consent

The following are exempted in the legislation and do not need a street trading consent:

- Pedlars, under the Pedlars Act 1871.
- A market that is granted through a charter or order.
- A news vendor selling periodicals or newspapers.
- Trading at a petrol station.
- Trading at a shop or in a street adjoining a shop as part of the business or shop.
- Trading as a roundsperson who has defined customers and routes. It has been established in law that mobile ice cream sales are not deemed to be roundspersons and would therefore require a consent.
- Service providers, e.g. hair-braiding, face painting and henna tattoos, etc. The Act which governs street trading relates to the selling of articles and, as such, it is the licensing authority's view that people who provide a service e.g. hair-braiders, are not considered to be trading for the purposes of the legislation. However, if quantities of accessories used in such services are also offered for sale, then this may be street trading and require consent.

Exemption for individual charity stalls with a street collection permit

Individual charity stalls in a street can apply for a street collection permit which allows collecting money for a charitable cause (including through the sale of items). If a street collection permit is granted there is no requirement for a street trading consent. Further information is available on our website, by searching [Street Collections](#).

Indoor market areas

Indoor market areas do not constitute street trading as they can be classed as shops which are exempt from street trading legislation.

Events with an entrance fee

Events that have an entry fee do not constitute street trading and do not need street trading consents.

Local Authority Events

Events organised and run or otherwise facilitated and permitted by the Local Authority will not need street trading consents.

Types of consents

We issue the following three types of street trading consent:

Static consent

Static street trading consents are issued for a stall or vehicle (or similar) which frequents one specific place. The unit, vehicle or stall must be removed each day at the end of the trading period unless planning and parking rules allow otherwise.

A static street trading consent may be granted for any period not exceeding 12 months.

Mobile consent

Mobile street trading consents are issued to traders who wish to move from place to place. A typical mobile consent would be an ice-cream van. A separate mobile consent is required for each vehicle/stall from which trading will take place. For example, an ice cream vendor with 3 vehicles would require 3 consents: one for each vehicle.

A mobile street trading consent only permits trading within our area. If the unit goes into areas outside of Gravesham it may also need consent from the relevant authority.

A mobile street trading consent may be granted for any period not exceeding 12 months.

Multiuser consent

Multiuser consents are issued to individuals managing a single event in a single location lasting no more than four consecutive days. This does mean that multiuser consents can't be renewed.

A multiuser consent can cover a number of stalls.

The multiuser consent must meet the criteria set below:

- it has a nominated organiser, who will submit the application and be known as the consent holder.
- it has the approval of the landowner.
- it adds value to the local community and/or economy.

The consent holder will be named on the issued consent and be responsible for managing use of the consent.

The consent holder will be responsible for ensuring that all traders operating under their consent comply with all requirements/restrictions.

The consent holder will be required to keep records of all traders that trade under their consent. These records must include:

- Event date.
- Trader's business name.
- Individual Trader's name.
- Date of birth.
- National Insurance Number.
- Address.
- Contact details.
- Type of goods sold.

- Proof of food business registration, if applicable.
- Vehicle registration, if applicable.

This information will be required to be provided to the licensing department at least seven days prior to the event and provided to authorised officers at any other time upon request.

It should be noted that multiuser consents may incur additional fees and charges if the land used belongs to the local authority.

Choosing a trading location

Before applying for a street trading consent, applicants must first identify a suitable trading location/s and, where appropriate (e.g. when on private land) obtain the landowner's consent. It is for the applicant to identify a suitable location having regard to the requirements in this policy, alongside all other applicable restrictions and their business needs. We do not hold a list of available trading pitches.

A suitable location must meet the following criteria:

- Be safe for other street users, including traffic and pedestrians.
- Be safe for customers using the street trading unit.
- Not conflict with any other legal requirements or restrictions.
- Not unreasonably obstruct, interfere with, inconvenience or cause nuisance to other street users including other traders, traffic and pedestrians.
- Not cause nuisance to residents and other businesses for example noise and/or smell.
- The goods being sold complement, and do not conflict with, the goods sold by other established retailers within the vicinity.

You need to consider the following:

- Lay-bys on main roads must have good visibility to ensure the safety for traffic when vehicles are entering and leaving the trading site/lay-by.
- There should be suitable parking spaces for customer and trading vehicles.
- Units should not cause loss of parking spaces to residents or businesses.
- Units must not impede the movement of pedestrians or delivery vehicles or block the frontage of shops or access to existing premises.
- Access roads on industrial estates, where heavy lorries manoeuvre, are generally unsuitable places for static units.
- Locations close to residential properties are unlikely to be suitable due to the potential for noise and smell nuisance to residents.

The grant of a consent permits the holder to trade in accordance with the terms of the consent; it does not guarantee unrestricted access to the trading locations and no refunds shall be given in the event of sites becoming inaccessible.

Other matters to consider before making an application

Assistants

For the purposes of this policy, we would consider any person who works on the unit without the consent holder being present for more than 14 days a year, an assistant.

Consent Holders will be required to provide the name, address, date of birth, National Insurance number, a basic DBS check certificate (not more than one month old) and a photograph for all such assistants as part of their application.

Further details can be found on the [Licensing pages on the Council's Website](#).

Right to Work Checks

You will be required to check the right to work of any persons you employ to assist you under your street trading consent. Any trader found to allow an illegal worker to work as part of their trading activities is likely to have their street trading consent reviewed and/or revoked.

Suitability of the applicants and assistants

When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant and any assistants, including:

- Being at least 17 years of age.
- Having a legal right to live and work in the UK.
- Having an acceptable criminal record as determined by the Council in accordance with this policy.
- Fitness and propriety.

In order to assist the council in determining suitability, all applicants and assistants will be required to provide a current (less than one month old) basic DBS check certificate.

Where the certificate(s) provided show(s) current offences (i.e. those that are unspent under the Rehabilitation of Offenders Act 1974) we will consider the following:

- Whether the conviction is relevant.
- The seriousness of the offence.
- The length of time since the offence occurred.
- Whether there is a pattern of offending behaviour.
- Whether that person's circumstances have changed since the offence occurred.
- The circumstances of the offence and the explanation offered by that person.

Appendix B is a list of the offences that we consider relevant to a street trading consent application, however this is not necessarily exhaustive.

Goods for sale

Food

Traders wishing to sell food items must be registered as a food business with the council in whose area the trading unit is stored when it is not at the trading site. If food is pre-prepared before the unit goes to the trading site, you must be registered with the council in whose area the food preparation is undertaken.

If you need to register with Gravesham Borough Council, further information is available on our website, by searching for [Food Safety and Hygiene](#).

Alcohol or late-night refreshment

If you intend to sell alcohol, or hot food and/or drink between 11pm and 5am, you must obtain authorisation under the Licensing Act 2003 in addition to a street trading consent.

Further information is available on our website, by searching [Entertainment and Alcohol](#).

Vehicles for sale on the highway

People running vehicle sales and/or repairing business on the highway may be committing an offence.

Street trading consents are not therefore issued for the purpose of selling vehicles on the highway.

For the purposes of this part of the policy public highway includes footpaths and adjacent verges and public open land as well as the road itself. It does not include private land.

Further information is available by emailing the council's Planning Enforcement Team: planning.enforcement@gravesham.gov.uk

Waste

A street trading consent holder is responsible for the appropriate disposal of refuse associated with their business and must not use council, highway or other public waste bins unless there is a specific arrangement in place. The consent holder has a duty of care to dispose of commercial waste lawfully.

There must be no disposal of liquid waste down the drains or onto the pavement, road or grassland. This includes waste cooking oil.

The council provides an affordable trade waste collection service to over 500 businesses in the borough. Further information is available on our website by searching [Trade and commercial waste](#) or, you can ask for a free no-obligation quote by emailing trade.waste@gravesham.gov.uk, tell them what service you want and they'll be in touch.

Trading hours

An application should specify what hours the applicant wishes to trade on each trading day. As early morning, evening and nighttime hours are likely to have more impact on local residents in terms of noise and disturbance, applications for trading during these times are more likely to raise objections which may lead to those times being refused or restricted, or conditions imposed.

The consent holder will be permitted 30 minutes preparation time prior to the start of their trading hours in order to set up the trading vehicle/unit and 30 minutes to close down and pack up.

Where it is required by multiuser consent holders (i.e. when stalls will not remain in place overnight) 60 minutes will be permitted prior to and after the permitted trading times to set up and close down all stalls.

Consent holders are not permitted to trade during set up and closing times.

Planning permission

Having a street trading consent does not necessarily preclude consent holders from also requiring planning permission, however this is more likely to be required where units remain in situ without moving/being put away at the end of the trading day for extended periods.

The council's Planning Department will be consulted on applications however, if you would like to seek advice in advance of this, this can be done via their [pre-application service](#).

Pavement Licensing

If a street trader wishes to place tables and chairs for the consumption of food or drink supplied by them, within the vicinity of their unit, they may require a Pavement Licence.

Further information is available on our website, by searching [Pavement licences](#).

Advertising

If a street trader wishes to advertise their business through A-boards or posters displayed in the borough, etc, they may require planning permission. Please contact the Planning Department in advance, this can be done via their [pre-application service](#).

If the advertising is to be placed on the public highway you will also need to contact Kent County Council Highways. Please visit the Kent County Council website and search [Highway permits and licences](#).

How to apply for street trading consent (all consent types)

Submitting an application

All applications must be submitted and paid for using the Council's online forms.

All application procedures, guidance, requirements, fees and links to the online application forms can be accessed via the [Licensing pages on the Council's Website](#).

Fees and charges

A list of the current street trading consent fees and charges is available on the website. [TO BE LINKED](#).

Applications must be accompanied by payment of a non-refundable application fee (Part A Fee) to cover the initial administration/processing of the application and the associated consultation.

Once a decision is made to grant a consent, the grant fee (Part B fee) must be paid before the consent will be issued.

Consultation

On receipt of an application, we will undertake a consultation exercise to seek the views of relevant stakeholders. There is a non-refundable fee (known as the Part A fee) payable at the time of submitting an application to cover the cost of administering it, including conducting the consultation.

We will aim to commence the consultation within 5 working days of receiving a valid application (being a complete application form accompanied by all required documentation, etc. and payment of the applicable fee).

The consultation will last for 28 days after which we will aim to determine the application and contact the applicant within a further 5 working days.

Applicants should therefore ordinarily allow approximately one month for their completed applications to be processed and determined.

Once a decision is made to grant a street trading consent a grant fee (known as the Part B fee) will be payable. This must be paid before the consent is issued and trading can commence.

Consultees

On receipt of all valid applications, we will consult with the following:

- Kent Police
- Environmental Health
- Kent Trading Standards

For static and multi-user consent applications, we will also consult with:

- Kent Highways
- Planning
- Relevant Ward Councillors
- Relevant Parish Council(s)
- Relevant Kent County Councillor(s)
- Any other relevant stakeholder(s), e.g. GBC Town Centre Management, Parks & Horticultural Services, Leisure Services, Property Services, etc.

Officers of the Licensing Service will also consider the appropriateness of all applications.

These lists are subject to periodic revision.

Determining applications

Account will be taken of all representations made during the consultation period. In determining applications, officers will consider such matters as:

- the suitability of the site and locality.
- the potential for nuisance or other adverse impacts to be caused.
- the suitability (including the fitness and propriety) of the applicant.
- the nature of the proposed business.
- the suitability of the unit/vehicle from which sales will be made.
- ability to comply with applicable conditions and requirements.
- existing trading provision in the proposed trading area(s).
- cumulative impact.

This list is not exhaustive. Each application will be decided on its own merits.

Issued street trading consent

Street trading badges

Upon grant of a street trading consent, a street trading identification badge will be issued to the consent holder and all approved assistants.

The badge must be worn by the person it relates to, where it can be clearly seen by the public at all times the person is trading. If the badge is lost or damaged the consent holder must notify us/order a replacement via the relevant online form on our website within 48 hours. A charge will be made for this service.

Consent

All consent holders will be issued with two copies of their consent; a full version containing all details and conditions, and a summary containing key information only.

The full version is to be stored safely and must be presented to authorised officers of the local authority or police upon request.

The summary must be clearly displayed in a prominent position where the public can easily view it.

The nature and design of the consent documents may vary from time to time.

If either the full consent or the summary is lost or damaged the consent holder must notify us/order a replacement via the relevant online form on our website within 48 hours. A charge will be made for this service.

Responsibilities of the consent holder

The consent holder must act in accordance with the conditions attached to the consent.

A street trading consent entitles the applicant to trade lawfully in the location(s) specified in the consent. Please note there are many other users of streets, and the consent does not grant exclusive rights of occupation or ownership of a specific location.

A street trading consent does not negate the need for consent holders to ensure compliance with all other applicable laws, requirements or restrictions, for example, in relation to road traffic, parking, health and safety, food hygiene, waste, planning, environmental protection, behaviour, and licensing.

Conditions attached to consents

When granting or renewing a street trading consent we may attach such conditions to it as we consider reasonably necessary.

Street trading consents will usually be granted subject to the standard conditions detailed in Appendix A to this policy

Where appropriate, additional conditions may be added.

Renewal

Applications to renew an existing street trading consent will follow a more streamlined process than new applications. They will not ordinarily be subject to a formal consultation process as it is expected that any issues arising during the consented period will be dealt with at the time and brought to the attention of the

Licensing Service as appropriate. Any such issues may however influence the decision to grant a consent at the point of renewal.

Renewal applications must be made in good time in order to safeguard existing trading locations (in respect of static consents) and therefore all renewal applications should be made at least one month prior to the expiration of the existing consent.

A renewal application may be made up to the last date of the current consent; however, trading cannot take place in the period between the current/old consent expiring and a new consent being issued.

Additionally, once a static consent has expired, if a complete/valid renewal application has not already been submitted then the site location will become available to all other applicants to apply for.

As set out above, all applications must be submitted and paid for using the Council's online forms.

All application procedures, guidance, requirements, fees and links to the online application forms can be accessed via the [Licensing pages on the Council's Website](#).

Transfer of consents

Street trading consents can be transferred to new owners if the location(s), conditions and unit won't be changing, and it is only the responsible person that is going to be different.

As set out above, all applications must be submitted and paid for using the Council's online forms.

All application procedures, guidance, requirements, fees and links to the online application forms can be accessed via the [Licensing pages on the Council's Website](#).

Variation of consents

A street trading consent may be varied to change the conditions attached to it. This includes conditions relating to trading times and periods. This does not include a change of consent holder, which would require a transfer application to be made, or a change of location, which would instead require a new application to be made.

All variation applications must be submitted and paid for using the Council's online forms and will be subject to the same processing and consultation timings and requirements as for new applications.

All application procedures, guidance, requirements, fees and links to the online application forms can be accessed via the [Licensing pages on the Council's Website](#).

Changes to the unit

You must contact the licensing section if you want to change your unit or make any changes to the nature of your business or consent. You may need to make a new application if the change is significant.

Changes of assistants

A consent holder must notify us of any changes to their assistants by completing and submitting the relevant online form, accompanied by all required documentation as may be specified and payment of the associated fee.

Refusal, revocation and appeals

A consent may be revoked at any time by us, and we shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

The Act does not provide an applicant or a consent holder with any direct right of appeal against a decision to refuse the grant, variation or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.

If an applicant or consent holder wishes to make representations in respect of a decision to refuse or revoke a street trading consent, they can however put this in writing along with the reasons to the licensing section (licensing@gravesham.gov.uk) within 14 days of being notified of the decision.

The representation will be carefully reviewed by the Head of Community Protection, who will consider whether the action taken was reasonable and proportionate, before communicating the final decision to the applicant/consent holder.

There is no further right of appeal.

Where a consent is surrendered or revoked, the council will pay the consent holder a refund equivalent to the remaining whole months of the grant fee, (known as the Part B fee) left on the consent, less a £25 administration fee.

Complaints and enforcement

General principles

It is recognised that well-directed enforcement activity from us benefits not only the public but also responsible members of the trade.

All decisions and enforcement actions taken by the licensing authority will be in accordance with the principles of consistency, transparency and proportionality set out in the Regulators' Code.

Consent Holders must allow access to our authorised officers and police officers at all reasonable times.

Offences

The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 relevant to the Gravesham area:

- engaging in street trading in a consent street without consent
- breaches of a condition in relation to trading location or unit or trading period
- breaches of a condition attached to the granted consent

A person guilty of the above offences may be liable on conviction to a fine of up to £1000.

All other regulatory interventions remain available to the police and local authority.

Complaints

Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

If a complaint is found to be justified, then the following actions may be taken by officers:

- verbal warning
- written warning
- simple caution
- prosecution
- revocation of the consent

Appendix A - Conditions

Standard conditions applicable to holders of a street trading consent under the Local Government (Miscellaneous Provisions) Act 1982.

It is important that the consent holder should understand and at all times observe these conditions. Any breach of any condition could result in revocation of the street trading consent.

Conditions for static and mobile street trading consents

- The consent relates only to the trading unit as defined on the consent.
- Street trading can only take place in accordance with the times and permissions of the consent.
- Consent holders and their assistants shall only sell, or make available for sale, such goods or types of goods as may be specified in the street trading consent granted to the consent holder.
- Consent holders must present the full consent upon request, to authorised officers of the local council or the Police.
- Consent holders shall display the street trading consent summary in a prominent position where the public can easily view it, at all times they are trading.
- Consent holders and their assistants shall wear their street trading badge where it can be clearly seen by the public, at all times they are trading.
- Consent holders must notify the Council, and apply for a replacement, if their badge, full consent or summary are lost or damaged within 48 hours.
- The consent holder shall maintain a valid third-party public liability insurance policy of no less than £5,000,000 and shall produce a valid certificate of such insurance at any time upon request by one of our authorised officers.
- The consent holder shall maintain a valid employer's liability insurance policy of no less than £10,000,000 and shall produce a valid certificate of such insurance at any time upon request by one of our authorised officers.
- If the trading unit is a motorised vehicle, the consent holder shall ensure that the vehicle is appropriately insured and holds a valid MOT certificate at all times and shall produce the appropriate documents at any time upon request by one of our authorised officers.
- No street trading unit shall be located, or any street trading activity take place, that would cause obstruction on any street or endanger persons using the street.
- The consent holder shall not trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity.
- Any noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall not give rise to a statutory or public nuisance.

- No liquid waste matter shall be discharged onto the pavement, road or grassland or allowed to enter any highway drain or water course.
- The consent holder shall comply with the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to ensuring that waste resulting from their trading is appropriately disposed of. The consent holder will make available the relevant documentation as proof of compliance at the request of one of our authorised officers.
- The consent holder shall make adequate arrangements to ensure that all persons connected with the operation of the unit have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of.
- The consent holder shall conduct business in a clean, honest, civil and business-like manner without interfering with the business of other traders and consent holders.
- Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify us in respect of all claims, actions, demands or costs arising from this consent.
- The Council may vary or make additions to the conditions applied to any or all street trading consents, at any time.
- A consent may be revoked at any time and the Council shall not be liable to pay any compensation to the holder in respect of such revocation.
- The consent holder shall return this consent, the consent summary and all badges to us immediately on revocation or surrender of the consent.
- Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.
- A consent cannot be sub-let.
- Trading is not permitted to take place within 50 meters of a school entrance or exit.
- Any contravention of these conditions by an employee or assistant of the consent holder, shall be deemed to have been committed by the consent holder.

Additional Conditions for static traders

- Consent holders shall ensure that the unit is located as defined on the consent.
- Consent holders shall ensure that the unit is removed from the site every day, unless planning and parking rules allow otherwise.
- The consent holder shall keep his trading site and immediate adjacent area in a clean and tidy condition during permitted trading hours. For this purpose, the term 'immediate adjacent area' refers to all public land within a 25 metres radius from the trading location over which the public have access.

- The consent holder shall leave the trading site and immediate adjacent area in a clean and tidy condition, with no obstructions, at the end of each period of use under the terms of this consent. For this purpose, the term ‘immediate adjacent area’ refers to all public land within a 25 metres radius from the trading location over which the public have access.

Additional conditions for mobile traders.

- Mobile consent holders must not unreasonably encroach upon or impede static consent holders from trading in their permitted location.

Multiuser consent holders

- Street trading can only take place in accordance with the dates, times and permissions of the consent.
- Consent holders must present the full consent upon request, to authorised officers of the local council or the Police.
- Consent holders must provide all of the traders that trade under their consent with a copy of both the full street trading consent and the summary.
- Consent holders shall ensure that each unit displays their copy of the street trading consent summary in a prominent position where the public can easily view it at all times when they are trading.
- Consent holders or the nominated individual must present the records of all traders that trade under their consent upon request by an authorised officer.
- The nominated individual, who is responsible for managing use of the consent shall wear their street trading badge during the trading period of the event.
- Consent holders must notify the Council, and apply for a replacement, if their nominated individual’s badge, full consent or summary are lost or damaged within 48 hours.
- The consent holder shall maintain a valid third-party public liability insurance policy of no less than £5,000,000 and shall produce a valid certificate of such insurance at any time upon request by one of our authorised officers.
- The consent holder shall maintain a valid employer’s liability insurance policy of no less than £10,000,000 and shall produce a valid certificate of such insurance at any time upon request by one of our authorised officers.
- No waste matter shall be discharged into or allowed to enter any highway drain or water course.
- No street trading unit shall be located, or any street trading activity take place, that would cause obstruction on any street or endanger persons using the street.
- No street trading unit shall trade in such a way as to cause a statutory or public nuisance to persons using the street, public place, or occupiers of premises in the vicinity.

- Any noise from equipment (including amplified audio equipment) used in connection with the consented street trading activity shall not give rise to a statutory or public nuisance.
- The consent holder shall ensure that the requirements of Part II, section 34 of the Environmental Protection Act 1990 with respect to waste resulting from their trading is complied with. The consent holder will make available the relevant documentation as proof of compliance at the request of one of our authorised officers.
- The consent holder shall make adequate arrangements to ensure that all persons connected with the trading event have the means and opportunity to visit suitable toilet facilities when necessary. The consent holder shall ensure that the facilities available are made use of.
- The consent holder shall ensure that business is conducted in a clean, honest, civil and business-like manner without interfering with the business of other traders and consent holders.
- Nothing contained in these conditions shall relieve the consent holder or their employees or agents from any legal duty or liability and the consent holder shall indemnify us in respect of all claims, actions, demands or costs arising from this consent.
- The Council may vary or make additions to the conditions applied to any or all street trading consents, at any time.
- A consent may be revoked at any time and the Council shall not be liable to pay any compensation to the holder in respect of such revocation.
- The consent holder shall return this consent, the consent summary and all badges to us immediately on revocation or surrender of the consent.
- Any consent holder found to be employing persons who do not have the right to work in the UK will have their consent immediately revoked.
- A consent cannot be sub-let.

Appendix B – Relevant Offences

The purpose of this appendix is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant of existing consent holder is a fit and proper person to hold such a consent.

These are the offences that would be considered relevant when determining suitability of an applicant for a street trading consent

Crime resulting in death

Where an applicant or renewing consent holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person a street trading consent will not be granted.

Dishonesty

Where an applicant or renewing consent holder has been convicted of a crime where dishonesty is an element of the offence, a street trading consent will not be granted until seven years have lapsed since the completion of any sentence imposed.

Violence

Where an applicant or renewing consent holder has been convicted of a crime where violence is an element of the offence, a street trading consent will not be granted until 10 years have lapsed since the completion of any sentence imposed.

Drugs

Where an applicant or renewing consent holder has a conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a street trading consent will not be granted until 10 years have lapsed since the completion of any sentence imposed. a conviction relating to the supply or importation of drugs or completion of any sentence imposed whichever is later.

Sexual and indecency offences

Where an applicant or renewing consent holder has a conviction for any offence involving or connected with illegal sexual activity a street trading consent will not be granted.

Exploitation

Where an applicant or a renewing consent holder has a conviction involving, is related to or is in connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, a street trading consent will not be granted.

Motoring convictions

In most cases, motoring offences are unlikely to be relevant when considering a street trading consent application. However, there may be instances where the offences are of a very serious nature or may be relevant to the type of street trading activity. In those cases, a street trading consent will not be granted unless three to five years have lapsed since any such convictions or completion of any sentence imposed whichever is later.

Street trading legislation

We take a serious view on applicants who have been convicted of street trading offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. In particular, a street trading consent will not be granted unless two years have lapsed since any offence under the 1982 Act or if there is more than one conviction then five years must have lapsed.

Formal cautions and fixed penalty notices

For the purposes of these guidelines, we will treat formal cautions issued in accordance with Home Office guidance and fixed penalty notices as though they were a conviction before the courts.

Existing consent holders convicted of an offence

We may consider revoking the consent if the consent holder is convicted of an offence and in particular there will be concern if the offence falls into one of the categories detailed above.