

# Folkestone and Hythe District Council

## Street Trading Policy

May 2018



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## Foreword

As a licensing authority, we are keen to support Street Traders, as they are a sector of our business community that provides a valuable service to consumers across the district.

This policy, which covers the whole district, is designed to ensure that all street traders operate from a level playing field – making things fair for all traders and safer for customers.

First of all, we will make sure that areas are not saturated by street traders, giving businesses a fair chance of making a living.

This policy will make it much easier to ensure traders are complying with the law, protecting consumers from unsafe practices and maintaining environmental standards.

Folkestone and Hythe District Council (FHDC) is keen to bring more order to Street Trading and to drive up standards within the districts of Folkestone, Hythe, Hawkinge, Elham Valley and Romney Marsh for the benefit of traders and consumers. We want to clarify the arrangements for street trading in Folkestone town centre. This policy is key to that ambition.

Cllr David Monk  
Leader of the Council

## About Folkestone and Hythe District

Folkestone and Hythe District covers an area of 35,670 hectares (140 sq. miles) on the east Kent coast about 75 miles from London. It has a population of around 112,000 (2016) most of whom live in the Folkestone and Hythe urban area, but there are also towns at Sandgate, Hawkinge, Lydd and New Romney and along the coastal strip.

The District occupies a key strategic position between the United Kingdom and mainland Europe at the end of the M20 motorway and with the Channel Tunnel and Lydd Airport providing gateways to continental Europe. The location of the District is set out in the map overleaf.

Folkestone and Hythe District Council is situated in the County of Kent, which contains 12 District Councils and 1 Unitary Authority in total. Each is represented on the Kent & Medway Regulatory Licensing Steering Group (K&MLSG) whose role includes the identification of issues on which a consistent countywide approach is considered essential and the formulation of recommended policy that establishes a minimum standard on these identified issues.

## Map of Folkestone and Hythe District



We have approximately 25 vehicles/units in Folkestone and Hythe District with Street Trading Consent. Street Trading Licences have been introduced for trading on Princes Parade and Sandgate Road.

## Introduction

District Councils have the power to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 enabling them to control Street Trading within their district. Once this schedule is adopted a District Council may choose to designate any street within its area as a prohibited, licence or consent street.

Shepway District Council (the previous name for the district) adopted Schedule 4 on 25<sup>th</sup> August 1983.

A scheme has, therefore, been adopted in Folkestone and Hythe District. This policy details the scheme.

## General

The holders of 'Street Trading Consent' can only trade from 'Consent Streets'. The holders of a 'Street Trading Licence' can only trade in the street specified in their licence. No Trading is allowed from a "Prohibited Street".

Folkestone and Hythe District Council will charge such fees as they consider reasonable for the grant or renewal of 'Street Trading Consent' or a 'Street Trading Licence'.

Where a fee is applicable, Folkestone and Hythe District Council will require the fee to be paid in full before it considers any application for 'Street Trading Consent' or a 'Street Trading Licence'

Folkestone and Hythe District Council has the discretion to refuse any application for a Street Trading Licence. An application for Street Trading Consent can only be refused if the conditions are not met.

## Definitions

1. 'Street Trading Consent' and 'Street Trading Licences' are granted by Folkestone and Hythe District Council under powers conferred by the Local Government (Miscellaneous Provisions) Act 1982.
2. 'Consent Street' means a street in which street trading is prohibited without the consent of Folkestone and Hythe District Council. Unless a street is classed as a Prohibited Street or a Licence Street, all streets in Shepway are considered Consent Streets.
3. 'Licence Street' means a street in which street trading is prohibited without a licence granted by Folkestone and Hythe District Council.
4. 'Prohibited Street' means a street in which street trading is prohibited. Under no circumstances will street trading be allowed.
5. 'Street' includes:- any road, footway, beach, or other area to which the public have access without payment. For the purposes of this

policy, street includes all forecourts, roads, footways or other areas adjacent to the streets as defined in the order.

*(Exceptions from the scheme will be considered where street traders are trading on private land and paying rent to the land owner.)*

6. 'Street trading' means the selling or exposing or offering for sale of any article in a street. This includes the sale of vehicles from a street. The following are **not** street trading for the purposes of this policy:-
- (a) trading by a person acting as a pedlar under the authority of a pedlar's 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 a presumed grant) or acquired or established by virtue of 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 news vendor;
  - (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 and as part of the business of the shop;
  - (f) selling things, or offering or exposing them for sale, as a roundsman. A roundsman does not include ice cream sellers (*Kempin v Brighton and Hove Council*) and mobile catering vehicles;
  - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
  - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
  - (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
  - (k) Residents wishing to sell items outside their home address on a temporary basis may be granted a concessionary consent.
  - (l) Fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events, Christmas Fair, special markets.

7. Stall means any barrow, stall, unit, vehicle, trailer or other premises from which street trading will take place. They must be capable of being removed from any trading site overnight.
8. 'Trader' means not only the consent holder but also his or her assistants.

## **Fundamental Principles**

All decisions relating to street trading will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

Applicants are required to consider carefully this policy when drafting their applications.

## **The Policy Objectives**

The Council will carry out its functions with a view to promoting the objectives. The objectives, which carry equal importance, are:

- To protect public health;
- To ensure food safety and public safety (including road safety);
- To detect and prevent public nuisance and anti social behaviour;
- To promote environmental improvement and regeneration.

## **Balance**

The Council will seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits.



## The Policy

Once approved, the policy will come into force on the same date.

Within Folkestone and Hythe District, consents are required if a trader wishes to trade on a consent street anywhere within the district. A licence is required to trade from a licence street. Street trading consent is also required to trade from private land if it is land which can be accessed without payment.

Legislation including that relating to food safety, health and safety, environmental protection and planning will continue to apply to traders granted either street trading consent or a street trading licence.

Street trading consent is issued for the period of one year.

Consent to trade within 250 meters of a school or college during term time is not permitted.

A street trading licence is issued for the period of one year.

## Fees

The fees charged by the Council will cover the cost of administering the service.

If the ownership of a business changes, a new consent/licence is required. Street trading consent or a street trading licence cannot be transferred.

The full fee is required at the time of application. In the event that an application is invalid, the fee will not be refunded.

The current scale of fees can be found on the Council's web site. The fees will be reviewed annually.

## Conditions – General Principles

Conditions on a 'Street Trading Consent' or a 'Street Trading Licence' are important in setting the parameters within which stalls can lawfully operate.

When granting or renewing a 'Street Trading Consent' or a 'Street Trading Licence' the Council may attach such conditions as are considered appropriate for the promotion of the policy objectives. A list of mandatory conditions will be applied to all consents. These can be found at Appendix A.

Each set of conditions will be specific to the trading consent/licence issued. The Council may add to/amend the conditions of a street trading consent/licence at the time of renewal.

A licence will specify the exact trading location (pitch), days and the times of trading.

Visits may be made to holders of trading consents/licences throughout the period to assess compliance with the conditions or to undertake any other duty that the Council has, such as food hygiene inspections.

Although the consent/licence holder may employ any other person to assist them in their trading, the consent/licence holder is expected to be present during the majority of their trading hours.

A pre-requisite to being granted consent to trade will be that street traders can demonstrate they have a contract with an appropriate waste collection operator.

A consent/licence holder may hold more than one consent/licence for different stalls and the application process will be the same for each stall. Each application will be accompanied by the correct fee.

Persons wishing to sell items from the pavement in front of their home address on a temporary basis should contact the Licensing Team to enquire about Concessionary Consents.

A premise licence issued under the Licensing Act 2003 is required to sell hot food between 23.00hrs and 05.00hrs. See pages 13 and 15 for other restrictions on operating hours.

The EU Services Directive provides a mechanism for its citizens to apply for street trading consents in other member states. That mechanism allows an applicant to make an application, electronically, through the Council's web site. Payments can also be made electronically. However, further guidance on this issue will be provided by Central Government post Britain's exit from the EU.

An applicant for a street trading licence/consent must state what they are proposing to sell. The Council will refuse/revoke an application/consent/licence if it considers goods offered for sale are inappropriate.

## Sale of vehicles from the street

The sale of two or more vehicles, by a person, within 500m of each other on the highway is prohibited under the Clean Neighbourhood and Environment Act 2005.

The sale of a single private vehicle outside the registered keeper address for the vehicle may be permitted under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the owner is required to obtain Street Trading Consent from Shepway District Council.

The consent is obtained by completing an application form which is available on the Council's website, this should be submitted along with the required proof of ownership of the vehicle and the V5/V5C Registered Keeper document (log book). There is no charge for the consent, one consent per household may be granted for a period of up to 6 weeks.

Consent will only be granted for private sales of vehicles. If the Council suspects that the application for consent may be for business purposes, we will request further proof and clarification of the nature of the sale and details of the applicant may be shared with HMRC.

Consent may only be granted if the street is a consent street, consent may not be granted if the street is a prohibited street or a licensed street. Information regarding prohibited and licensed streets can be found in Appendix C.

Failure to gain Street Trading Consent for the sale of a vehicle on the highway is an offence under the Local Government (Miscellaneous Provisions) Act 1982. A breach of which may incur a fine up to Level 3 on the Standard Scale.

## Appendix A

### Street Trading Consent - Application Process & Determination

An application for a street trading consent must be made in writing using the Councils' prescribed application form and sent to the Licensing Team. Application forms and information packs are either available from the Council or downloadable from its website.

On receipt of a completed application form and fee, where appropriate, the Licensing Team will forward a copy of the application to:-

- Environmental Health (Food) - SDC

The Council will take all reasonable steps to issue the consent within 28 days from the date of the application.

### Renewal of Trading Consents

The Council will take all reasonable steps to issue the renewed consent within 28 days from the date of the application.

Given the time periods explained above, the Council recommends applications to renew a trading consent be received by the Council at least 42 days before the expiry of an existing consent.

Renewal applications must be accompanied by the appropriate fee and relevant documentation.

### Consideration of a Trading Consent

The Council will consider each individual application on its merits and will normally grant a street trading consent unless, in its opinion:

1. There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street.
2. There are already enough traders trading in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade.
3. The consent, if granted, is likely to 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.
4. The size, nature or appearance of the proposed stall (barrow, stall, unit, vehicle, trailer or other) (and any associated equipment) is inappropriate

for the proposed location in terms of amenity or public or highway safety.

5. 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).
6. The vehicle or trailer is not mobile. (Wholly static units will be considered at the Council's discretion)
7. An application for street trading consent is made by a motor vehicle trader.
8. The applicant is under the age of 17 years.
9. Any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

If a Street Trading consent is refused the applicant can request, in writing within 7 days of the refusal or revocation for the matter to be determined by the Licensing Sub Committee.

## **Revocation of a Trading Consent**

If an Authorised Officer of the Council is of the opinion that the holder of the trading consent has contravened the conditions attached to the consent, a revocation of the consent may be sought. When considering contravention of a condition, Officers will have regard to the Council's enforcement policy. There are powers to revoke and to prosecute.

If an Authorised Officer of the Council is of the opinion that the operation of a street trader undermines one of the policy objectives, firstly, consideration will be given to adding to or amending consent conditions. If the concern cannot be mitigated through licence conditions, revocation of a consent will be considered.

The Officer will present a report to the Licensing Sub Committee detailing the reasons for recommending revocation. Comments from the consent holder would be invited to accompany the report.

There is no right of appeal to the courts against the decision to revoke a trading consent.

Where a trading consent is revoked by the Council there will be no refund of the application fee.

## **Change of detail to Trading Consents**

All applications to vary an existing consent must be made in writing. All applications will be considered by the Licensing Officer.

The Licensing Officer is not required to consult prior to making a decision, however, they may choose to do so.

There is no right of appeal against the Council's decision to refuse to vary a consent.

A consent holder is able to change their details in the following circumstances:

- To add, amend or vary the range of goods for sale;
- To replace an existing stall with a like for like stall.
- To change their address
- To change a vehicle registration number (subject to the paragraph below)

The following changes in circumstances require an application for a new consent.

- Should a non-food consent holder wish to retail or cater food;
- Should a consent holder wish to purchase a new stall (stall, van, vehicle etc) which is different in size, nature to the existing stall. The 'like for like' assessment will be made by the Licensing Officer.

## **Street Trading Licences - Application Process & Determination**

A Street Trading Licence permits trading in a licence street. Traders are not permitted to trade in a licence street with a Street Trading Consent.

Licence streets are listed in the Street Trading conditions (see Appendix B).

An application for a street trading licence must be made in writing using the Councils' prescribed application form and sent to the Licensing Team. Application forms and information packs are available from the Council or downloadable from its website. The appropriate fee and the necessary supporting documentation must accompany the application form.

On receipt of a completed application form and fee, the Licensing Team will send a copy of the application to each of the following relevant consultees:

- Environmental Health (Food) - SDC

The application will be determined following the 28 day consultation period, unless an objection is received from a consultee.

If a Street Trading licence is refused or revoked the applicant can request, in writing within 7 days of the refusal or revocation, for the matter to be determined by the Licensing Sub Committee.

## **Consideration of Applications**

The Council will consider each individual application on its merits and will normally grant a street trading licence unless, in its opinion:

1. There is not enough space for the applicant to trade in the manner proposed without causing undue interference or inconvenience to persons using the street.
2. There are already enough traders trading in the vicinity (from shops or other stalls) in the goods in which the applicant desires to trade.
3. The licence, if granted, is likely to 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 licence.
4. The size, nature or appearance of the proposed stall (barrow, stall, unit, vehicle, trailer or other) (and any associated equipment) is inappropriate for the proposed location in terms of amenity or public or highway safety.
5. 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).
6. The vehicle or trailer is not mobile. (Wholly static units will be considered at the Council's discretion)
7. The applicant is under the age of 17 years.
8. Any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

The reasons for any variation or refusal will be communicated to the applicant.

An officer may visit the applicant and inspect the stall from which the applicant intends to trade.

Until the application has been determined it is an offence to trade without a licence in a licence street.

In considering an application for a licence, the Council will have regard to the number, nature and type of traders already present in a particular area.

Visits may be made to holders of trading licences throughout the licence period to assess compliance with the conditions or to undertake any other duty that the Council has, such as food hygiene inspections.

Although the licence holder may employ any other person to assist them in their trading, the licence holder is expected to be present during the majority of their trading hours.

A pre-requisite to being granted a licence to trade will be that street traders can demonstrate they have a contract with an appropriate waste collection operator.

A licence holder may hold more than one licence for different stalls and the application process will be the same for each stall. Each application will be accompanied by the correct fee.

## **Renewal of Trading Licences**

The Council advises licence holders that there is a 28 day consultation period for determining renewal applications. In the event that the licensing team receives a relevant objection, the application must be referred to the Licensing Sub-Committee for determination within 14 days of the consultation period ending. If the necessary quorum cannot be achieved for a Licensing Sub-Committee, the Chair will delegate for a panel of two officers, one of which must be a Licensing Officer to determine the application within 14 days of the consultation period ending.

Given the time periods explained above, the Council recommends applications to renew a trading licence must be received by the Council at least 42 days before the expiry of an existing licence. (28 day consultation period and 14 day hearing period)

Renewal applications must be accompanied by the appropriate fee and relevant documentation.

## **Revocation of a Trading Licence**

If an Authorised Officer of the Council is of the opinion that the holder of the trading licence has contravened the conditions attached to the licence, a revocation of the licence may be sought. When considering contravention of a condition, Officers will have regard to the Council's enforcement policy. There are powers to revoke and to prosecute.

If an Authorised Officer of the Council is of the opinion that the operation of a street trader undermines one of the policy objectives, firstly, consideration will be given to adding to or amending licence conditions. If the concern cannot be mitigated through licence conditions revocation of a licence will be considered.

The Officer will present a report to the Licensing Sub Committee detailing the reasons for recommending revocation. Comments from the licence holder would be invited to accompany the report.

There is no right of appeal against the decision to revoke a trading licence.

Where a trading licence is revoked by the Council there will be no refund of the application fee.

## **Change of detail to a Trading Licence**

All applications to vary an existing licence must be made in writing. All applications will be considered by the Licensing Officer.



The Licensing Officer is not required to consult prior to making a decision, however they may choose to consult.

There is no right of appeal against the Council's decision to refuse to vary a licence.

A licence holder is able to apply to change their details in the following circumstances:

- To add, amend or vary the range of goods for sale;
- To replace an existing stall with a like for like stall.
- To change their address
- To change a vehicle registration number (subject to the paragraph below)

The following changes in circumstances require an application for a new licence. They cannot be dealt with using the variation process:

- Should a licence holder wish to relocate to a new trading location;
- Should a non-food licence holder wish to retail or cater food;
- Should a licence holder wish to purchase a new stall (stall, van, vehicle etc) which is different in size, nature to the existing stall. The 'like for like' assessment will be made by the Licensing Officer.

## Offences

Under the Local Government (Miscellaneous Provisions) Act 1982, a person who;

- Engages in street trading in a consent street without being authorised to do so;
- Engages in street trading in a licence street without a street trading licence;
- Engages in street trading in a prohibited street;
- Engages in street trading in a licence street other than that which is authorised in the licence;
- Being authorised by a street trading consent or licence to trade in a street, trades in that street and contravenes a condition imposed in agreeing to permit street trading

shall be guilty of an offence.

It shall be a defence for a person charged with any of the offences above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Any person who, in connection with an application for a street trading consent/licence, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence.

Any action taken by the Council with regard to the above offences will have regard to the Council's enforcement policy.

## **Princes Parade**

1. Only 10 Street Trading Licences will be issued to trade from Princes Parade.
2. If a licence holder for Princes Parade does not renew their licence within 28 days of the renewal date, the licence will lapse and the licence for Princes Parade will be offered to a trader on the waiting list.
3. Traders wanting to trade on Princes Parade when 10 licences have already been issued will go on a waiting list.
4. Priority will be given to traders offering different types of food.
5. Only licences for the sale of food and seaside goods will be issued for Princes Parade.
6. Licences will be revoked after 3 warnings for non compliance with the specific licence conditions for Princes Parade.
7. Traders with licences for Princes Parade will receive a waiver from paying a parking fee.

## **Complaints**

All complaints received relating to street trading will be investigated. The outcome of a complaint investigation may result in enforcement action.

## Appendix B

### Shepway District Council Street Trading Mandatory Consent Conditions

The grant of a Street Trading Consent shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

#### General

The consent holder will notify the Council of any change of home or operating address.

No person under 17 years of age will be granted a Consent to Trade.

The Consent to Trade will be valid for up to 12 months.

Should a consent holder commit a breach of any relevant regulations the Council may prosecute.

The consent holder's stall will be fit for purpose and will conform, where appropriate, to road vehicles construction and use legislation.

The stall will be maintained in good condition and kept in a clean and tidy condition.

An Employers Liability Certificate must be displayed as necessary.

The consent holder shall at all times maintain a valid insurance policy covering street trading activity for third party and public liability risks up to £5 million if selling food, otherwise £2 million if selling non-food items. The consent holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.

The consent holder must have written permission from the owner of the land to trade on private land which is not part of the public highway.

Consent holders shall not trade from prohibited or licence streets.

The consent holder will allow authorised officers of the Council to inspect his/her stall at any reasonable time.

The consent holder will prominently display their Consent in their vehicle etc. whilst trading.

The consent holder will comply with any reasonable request made by a duly authorised officer of the Council or by a Police Constable.

The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway

improvements to be undertaken, the locating of temporary street furniture (e.g. Christmas tree) or if the pitch is required to facilitate temporary traffic and/ or pedestrian management arrangements. No compensation will be paid to the consent holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

Where a motor vehicle will be used for street trading valid MOT and insurance certificates will be produced with the application form.

Stalls, Trailers or Vehicles must not be left on site overnight.

A street trading consent does not relieve the consent holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Highways Act 1980, the Food Safety Act 1990, the Town and Country Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990, the Licensing Act 2003. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with general or local legislation.

A consent holder shall not assign, underlet or part with his interest or possession of a street trading consent.

With the exception of consent to privately sell a vehicle, the trader's vehicle is not to wait for the purposes of trading in any residential street for a period longer than 30 minutes on any one day by any individual consent-holder. Under no circumstances can a trader trade within 100 meters of the nearest part of a residential property for more than 30 minutes.

No trader shall, during school term time, sell any article in any part of a street adjoining a primary or secondary school or within 250 metres of any school entrance.

The trader can only sell the items specified in the consent.

## **Nuisances**

The Trader must immediately clear up any rubbish resulting from his trade and properly dispose of it

The Trader must not call out or otherwise importune custom

The Trader must not cause nuisance or annoyance whether by noise smell or otherwise to members of the public other Traders or the owners or occupiers of adjoining or adjacent property and in particular but without prejudice to the generality of the foregoing he must not obstruct the highway and whether or not they cause nuisance or annoyance shall not use loudspeakers, musical instruments, background music or sound effects.

Street Traders must not trade for more than 30 minutes within 100m of the boundary of a domestic premise.

## Articles

The Trader shall not sell any article other than those specified in his application.

The Trader shall not sell any live animal, fish, fowl, reptile or other living creature

The Trader shall not sell any article that is indecent or likely to cause offence and in particular but without prejudice to the generality of the foregoing shall not sell any sex article as defined in paragraph 4 of Schedule 3 of the Act.

The Trader shall not sell intoxicating liquor without either a licence issued under the Licensing Act 2003 or a Temporary Events Notice.

The Trader shall not carry on any auctioneering.

The Trader shall not hold a lottery nor have in his vehicle or stall any gaming machines or carry on any bookmaking business.

## Shepway District Council

### Street Trading Licence Mandatory Licence Conditions

The grant of a Street Trading Licence shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

#### General

The licence holder will notify the Council of any change of home or operating address.

No person under 17 years of age will be granted a Licence to Trade.

The Licence to Trade will be valid for 12 months.

Should a licence holder commit a breach of any relevant regulations the Council may either revoke the licence or prosecute.

The licence holder's stall will be fit for purpose and will conform, where appropriate, to road vehicles construction and use legislation.

The stall will be maintained in good condition and kept in a clean and tidy condition.

An Employers Liability Certificate must be displayed as necessary.

The licence holder shall at all times maintain a valid insurance policy covering street trading activity for third party and public liability risks up to £5 million if selling food, otherwise £2 million for selling non-food items. The licence holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.

Licence holders shall not trade from any street other than that specified in the licence.

The licence holder will allow authorised officers of the Council to inspect his/her stall at any reasonable time.

The licence holder will prominently display their licence in their vehicle etc. whilst trading.

The licence holder will comply with any reasonable request made by a duly authorised officer of the Council or by a Police Constable.

The licence holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, the locating of temporary street furniture (e.g. Christmas tree) or if the pitch is required to facilitate temporary traffic and/ or pedestrian management arrangements. No compensation will be paid to the

licence holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

Where a motor vehicle will be used for street trading it must have valid tax, MOT and insurance certificates.

A street trading licence does not relieve the licence holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Health and Safety at Work etc Act, Highways Act 1980, the Food Safety Act 1990, the Town and Country Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990 or the Licensing Act 2003. It is the obligation of the licence holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading licence for any failure to comply with general or local legislation.

A licence holder shall not assign, underlet or part with his interest or possession of a street trading licence.

Stalls, Trailers or Vehicles must not be left on site overnight.

The trader can only sell the items specified in the licence.

## **Nuisances**

The Trader must immediately clear up any rubbish resulting from his trade and properly dispose of it

The Trader must not call out or otherwise importune custom

The Trader must not cause nuisance or annoyance whether by noise smell or otherwise to members of the public other Traders or the owners or occupiers of adjoining or adjacent property and in particular but without prejudice to the generality of the foregoing he must not obstruct the highway and whether or not they cause nuisance or annoyance shall not use loudspeakers musical instruments background music or sound effects

## **Articles**

The Trader shall not sell any article other than those specified in his application.

The Trader shall not sell any live animal, fish, fowl, reptile or other living creature.

The Trader shall not sell any article that is indecent or likely to cause offence and, in particular but without prejudice to the generality of the foregoing, shall not sell any sex article as defined in paragraph 4 of Schedule 3 of the Act.

The Trader shall not sell intoxicating liquor without either a licence issued under the Licensing Act 2003 or a Temporary Events Notice.

The Trader shall not carry on any auctioneering.

The Trader shall not hold a lottery nor have in his vehicle or stall any gaming machines or carry on any bookmaking business.



## **Shepway District Council**

### **Conditions for Street Trading Consent for the Sale of a Vehicle**

The grant of a Street Trading Consent for the sale of a vehicle shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

#### **General**

The Consent Holder must be the Registered Keeper of the vehicle being offered for sale.

The consent will be granted for the sale of the vehicle to take place on the highway outside the consent holder's address.

If it is not practicable to sell the vehicle outside the Registered Keeper's address the Council may permit a nearby location to be used. This will be entirely at the Council's discretion.

The consent holder will prominently display their Consent in their vehicle at all times whilst it is offered for sale on the highway.

The consent notice will not display the Registered Keeper address but Council Officers will check that the vehicle location is in the approved consent location.

The consent holder will notify the Council of any change of home and/or Registered Keeper address.

No person under 17 years of age will be granted a Consent to sell vehicles on the highway.

The Consent to Trade will be valid for up to 6 weeks.

Should a consent holder commit a breach of any relevant regulations the Council may prosecute.

The vehicle for sale will be maintained in good condition and the surrounding area around the vehicle kept in a clean and tidy condition.

The consent holder shall at all times maintain insurance for the vehicle and it must have a current MOT Certificate. The consent holder must produce a valid insurance certificate at the time of application, and at any time on the request of an authorised council officer.

Consent will not be granted for the sale of vehicles from prohibited or licence streets. (See Appendix C)

The vehicle will not be offered for sale on the highway once the expiry date of the Consent has passed.

The consent holder will comply with any reasonable request made by a duly authorised officer of the Council or by a Police Constable.

The consent holder will remove the vehicle for sale upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, the locating of temporary street furniture or if the highway is required to facilitate temporary traffic and/ or pedestrian management arrangements. No compensation will be paid to the consent holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

A street trading consent does not relieve the consent holder of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, Highways Act 1980, the Town and Country Planning Acts, the Control of Pollution Act 1974, the Clean Neighbourhood and Environment Act 2005. It is the obligation of the consent holder to familiarise themselves with this legislation. The Council may revoke a street trading consent for any failure to comply with general or local legislation.

A consent holder shall not assign, underlet or part with his interest or possession of a street trading consent.

## Appendix C

### STREET TRADING POLICY 2018

#### Appendix C - Prohibited Streets

##### Folkestone

Marine Parade, for its entire length.

Marine Crescent for its entire length.

Sandgate Road from its junction with West Terrace to its junction with Sandgate Hill.

The Lower Sandgate Road

Harbour Street and the Harbour Approach Road for its entire length.

Tontine Street- for its entire length.

Dover Road from its junction with Grace Hill to its junction with Radnor Bridge Road.

##### Hythe

Twiss Road, West Parade & South Road for their entire length.

Stade Street from its junction with South Road to its junction with West Parade.

Marine Parade & Beaconsfield Terrace, Hythe.

Princes Parade from the junction with Twiss Road to the Eastern Slip road into the Hythe Imperial Hotel.

##### Other

The A259 Dymchurch roundabout to the traffic lights in New Romney

The High Street, Lydd - for its entire length.

#### Appendix C – Licensed Streets

***\*Traders in these streets MUST hold a valid Street Trading Licence for this specific street; Street; Street Trading Consents are not valid in these streets***

##### Folkestone

Church Street, from its junction with Rendezvous Street for a distance of approximately 22 metres.

Rendezvous Street for a distance of approximately 65 metres from its junction with Church Street.

The passageway from Rendezvous Street leading to St Eanswythe's Terrace for a distance of approximately 33 metres and the passageway to the rear of the Old Town Hall for a distance of approximately 30 metres.

The Leas.

The Stade, the Fish Market and Radnor Street for their entire length.

Beach Street.

Sandgate Road from the junction with West Terrace to the Old Town Hall.

Guildhall Street from the Old Town Hall to Shellons Street.

The Old High Street and South Street.

##### Hythe

Princes Parade from Battery Point to the eastern slip road into the Hythe Imperial Hotel.

Hythe High Street, from 11am – 3pm Monday – Saturday when the barrier is down.

**Other**

New Romney High Street.

Farthing Common, Stone Street.

## Appendix D

### Useful contact details

#### **Licensing Team**

Folkestone and Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY  
T: 01303 858660  
E: [licensing@folkestone-hythe.gov.uk](mailto:licensing@folkestone-hythe.gov.uk)

#### **Food Team**

Folkestone and Hythe District Council  
Civic Centre  
Castle Hill Avenue  
Folkestone  
Kent CT20 2QY  
Tel: 01303 853000  
E: [Foodteam@folkestone-hythe.gov.uk](mailto:Foodteam@folkestone-hythe.gov.uk)