



## Local Government (Miscellaneous Provisions) Act 1982

### Guidance Notes for Street Traders

#### Street Trading Control

- 1) Wycombe District Council has adopted a system of street trading control in all areas of the District. This system is based on the designation of all streets as either “**Consent Streets**” or “**Prohibited Streets**”

#### Definitions

- 2) The following definitions should be noted for terms used in these notes;
  - a) “Street” includes all forecourts, roads, footways or other adjacent areas for a distance of 25 metres to which the public has access without payment.
  - b) “Street Trading” means selling or exposing or offering for sale of any article (including a living thing). This does not include the following;
    - 1) Trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871;
    - 2) 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;
    - 3) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
    - 4) Trading as a news vendor where;
      - a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
      - b) They are sold or exposed or offered for sale without a stall or receptacle for them which does not;
        - i) Exceed 1m in length or 2m in height;
        - ii) Occupy a ground area exceeding 0.25m<sup>2</sup> or
        - iii) Stand on the carriageway of a street
    - 5) Trading which is carried on at premises used as a petrol filling station;
    - 6) Trading which is carried out on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
    - 7) Selling things, or offering or exposing for them for sale, as a roundsman;
    - 8) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
    - 9) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;

- 10) The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- c) A “**Consent Street**” is a street in which street trading is only permitted with the official consent of Wycombe District Council. Street trading without this consent is an offence under the Local Government (Miscellaneous Provisions) Act 1982, for which the maximum penalty upon conviction is a £1000 fine.
- d) A “**Prohibited Street**” is a street in which **all** street trading is prohibited and to trade is an offence under the Local Government (Miscellaneous Provisions) Act 1982, for which the maximum penalty upon conviction is a £1000 fine.

### **Prohibited Streets**

- 3) The following areas within Wycombe District have been designated as Prohibited Streets:
- a) The A404 from the Marlow By-Pass to past Hazlemere so far as this road lies within the boundaries of this district. **This includes lay-bys, streets and land to which the public has access, for a distance of 100 metres on either side of the road.**
- b) The A4010 from the Handy Cross roundabout High Wycombe to past Terrick, so far as this road lies within the boundaries of this district.
- c) The A40 from the west of Holtspur to past Stokenchurch, so far as this road lies within the boundaries of this district.
- d) The A4094 from Loudwater to Cookham Bridge, so far as this road lies within the boundaries of this district.
- e) Pound Lane, Marlow from the junction with the High Street to Marlin Court
- f) The following streets within High Wycombe;
- Castle Street  
Easton Street  
Oxford Street  
Queen Square
- g) Although not designated as Prohibited Streets the Council is minded to refuse applications for the following areas:
- 1) All roads through and within the Cressex Industrial Estate
  - 2) The Lay-bys, Burroughs Grove Hill, Wycombe Road, Handy Cross
  - 3) Common Road, Flackwell Heath
  - 4) High Street, Marlow
  - 5) Institute Road, Marlow
  - 6) West Street, Marlow
  - 7) The Causeway, Marlow
  - 8) Main Road, Naphill/Walters Ash
  - 9) The Parade, Bourne End
  - 10) Cores End Road, Bourne End
  - 11) All car parks and public open space owned by Wycombe District Council.

### **Consent Streets**

- 4) All areas not designated as Prohibited Streets are deemed to be Consent Streets.

## **Vacant Sites**

- 5) If an existing street trading site becomes vacant the Council may decide to advertise this site in the local press. Applicants will be assessed on grounds of food safety, general management controls, general appearance of the vehicle/stall and whether the service offered is required in the area.

## **Applications**

- 6) The applicant for a new Consent will need to identify a suitable site, applications are considered with regard to the following criteria;
  - a) That the service to be provided is needed
  - b) That the trader would not cause obstruction on the public highway or obstruct any amenities, entrances, exits, emergency facilities or pedestrians
  - c) That the aesthetics of the trade would not be detrimental to the location
  - d) That litter could be adequately controlled
  - e) That there would be no noise or public order nuisance affecting local residents or local businesses
  - f) That the trader would not be unfair competition to existing traders in the area.
- 7) If the applicant intends to trade from private property written authorisation from the landowner must be obtained. In most cases planning permission will also be required. Enquires regarding planning permission should be addressed to the Planning and Sustainability Service Wycombe District Council.
- 8) It is Council policy that all street traders shall have a proper insurance policy against public liability and third party risks with a minimum cover of £2,000,000.

## **How to Apply**

- 9) An application for a Street Trading Consent must be made to the Council in writing on the appropriate form; all sections of the form must be complete. In addition to the application form the following documentation must be enclosed with the initial application;
  - a) Map of area showing exact location of proposed trading site
  - b) Written authorisation from the landowner where trading is proposed on private land
- 10) All new applications must be accompanied with a fee of £144.00. This fee will be deducted from the Consent Fee if successful or returned if unsuccessful.

Please note only one proposed trading site is permitted with each initial application.

**Note: It is strongly recommended that you do not buy a vehicle or equipment until you are sure of an application being approved.**

**Note: Trading will not be possible before the application has been decided (i.e. during the application process).**

**Note: The application will not be processed unless accompanied by the appropriate application fee.**

## **Consultation**

- 11) On receipt of an application a consultation with Wycombe District Council Members, outside agencies and the public is carried out and you should receive a decision on acceptance or refusal within 13 weeks of the start of the process.

### **Issue of Consent**

- 12) If the initial application is approved the applicant will be asked to provide the following final documentation;
- a) Details of vehicle/shall including colour photograph
  - b) Two passport sized photographs of the applicant **and** his/her assistant
  - c) Copy of current Public Liability Insurance Certificate (minimum cover £2,000,000)
  - d) Planning Permission (where required)
  - e) Completed Food Business Registration Form
- 13) On receipt of all necessary final documentation arrangements will be made for food safety inspections to be carried out of the vehicle/stall and the home base where food is stored or prepared. On satisfactory completion of the inspections the Consent will be issued.
- 14) General conditions will be attached to all consents, in addition Special Conditions for street trading on particular sites may be imposed. Breach of any Conditions attached to a Consent may result in the Consent being revoked and prosecution being taken.
- 15) Consents will be valid for a maximum period of 12 months and will be due for renewal on 1<sup>st</sup> April each year.

### **Fees**

- 16) Fee based on: Trading hours per week x Trading weeks per year x Hourly Rate

#### Hourly Rates (for year ending 31/03/2020)

Daytime (06:30H – 18:30H)                      £1.65 per hour

Night-time (18:30H – 06:30H)                      £2.00 per hour

Fee for Consent holders living out of Wycombe District area will be charged an additional 10% of the above rates.

An additional £20 will be charged where payment is made by instalments.

The hourly rates cover the costs of managing Street Trading within the District. From these fees must be borne the cost of administration, consultation, inspection and enforcement. A higher rate for night time trading is charged, as inspection and enforcement visits will have to be made at unsocial hours incurring a higher cost.

### **Licensing Act 2003**

- 17) A separate Premises Licence may be required under the Licensing Act 2003. This is a separate process and you should contact the Licensing Team at Wycombe District Council in respect of this.