

# Taunton Deane Borough Council

## Licensing Committee – 13th June 2017

### Street Trading

This matter is the responsibility of Executive Councillor Patrick Berry

Report Author: Fern Avis, Licensing Officer

#### 1 Executive Summary

- 1.1 This report provides an overview of the street trading policy and procedure of the council's licensing service, as requested by members of the committee at the meeting on 22<sup>nd</sup> February 2017.

#### 2 Recommendations

- 2.1 That the report be noted.

#### 3 Risk Assessment

##### Risk Matrix

Description	Likelihood	Impact	Overall
If the Licensing function were not carried out in an efficient manner, complaints or legal challenges may be brought that could undermine the work being done to support the Council's Corporate Strategy.	4	4	16
Demonstrating good governance of the licensing function through presentation of current arrangements and statistics relating to the licensing service.	3	4	12

### Risk Scoring Matrix

<b>Likelihood</b>	5	Almost Certain	Low (5)	Medium (10)	High (15)	Very High (20)	Very High (25)
	4	Likely	Low (4)	Medium (8)	Medium (12)	High (16)	Very High (20)
	3	Possible	Low (3)	Low (6)	Medium (9)	Medium (12)	High (15)
	2	Unlikely	Low (2)	Low (4)	Low (6)	Medium (8)	Medium (10)
	1	Rare	Low (1)	Low (2)	Low (3)	Low (4)	Low (5)
			1	2	3	4	5
			Negligible	Minor	Moderate	Major	Catastrophic
			<b>Impact</b>				

<b>Likelihood of risk occurring</b>	<b>Indicator</b>	<b>Description (chance of occurrence)</b>
1. Very Unlikely	May occur in exceptional circumstances	< 10%
2. Slight	Is unlikely to, but could occur at some time	10 – 25%
3. Feasible	Fairly likely to occur at same time	25 – 50%
4. Likely	Likely to occur within the next 1-2 years, or occurs occasionally	50 – 75%
5. Very Likely	Regular occurrence (daily / weekly / monthly)	> 75%

## 4 Background and Full details of the Report

### What is street trading?

- 4.1 Street trading means the selling, or exposing or offering for sale, of any article (including a living thing) in a street. A street for the purposes of this definition includes any road, highway, footway, beach or other area to which the public have access without payment. Street trading is an activity that requires consent or a licence from the relevant local authority, if that authority has adopted schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. Please see appendix A for a copy of this schedule. Taunton Deane Borough Council adopted schedule 4 of the Act at a meeting of Full Council on the 10<sup>th</sup> of December 1985 and designated all ‘streets’ in the borough as ‘consent streets’ in the process, meaning that street trading is prohibited in those areas without consent from the Council. Under these arrangements, the Council currently authorises trading from public land, such as market traders on Taunton High Street as well as trading on private land, such as catering units on industrial estates. The purpose of this regulation is to prevent obstructions on land, danger, nuisance or annoyance.

- 4.2 Taunton Deane Borough Council issues Street Trader Consents rather than Licences. The difference between a licence and a consent relates to the level of formal procedure involved and legal protection offered to the trader. Generally a licence is more suitable for a fixed, market-type trading environment. Consents provide a more flexible means of controlling street trade and are not limited by statute in their refusal or revocation.

**Differences between licence and consent for street trade:**

<b>Licence</b>	<b>Consent</b>
1. District council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act.	District council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.
2. District council may only revoke or refuse to renew a licence on statutory grounds.	No statutory limitation on a district council's power to revoke or refuse to renew a street trading consent.
3. Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Act.	There is no similar right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.

Application Process

- 4.3 The application form for traders is available from the Council, please see appendix B. There is also a list of Street Trading Consent Conditions, please see appendix C.
- 4.4 The applicant must complete the application form, enclose photographs of their stall, proof of Public Liability Insurance and pay the relevant fee, which is dependent on the length of time the consent is valid. For the list of fees, please see appendix D. Once a complete application has been received, the forms are scanned and saved against a record on the service database.
- 4.5 Before a Street Trading Consent can be granted or renewed, the Council will consult with various persons and organisations which may include the following:
- Somerset County Council Highways Authority
  - Avon and Somerset Constabulary
  - Taunton Deane Borough Council Environmental Health
  - Taunton Deane Borough Council Economic Development Team
  - Devon and Somerset Fire Service

- 4.6 If the proposed street trading site is on private land, a letter from the land owner giving permission for it to be used for street trading must be included with the application. The consultation period with the above organisations and persons will be a maximum of 28 days from the date of a complete application being made to the Council. If an objection is received from any of the above consultees, the Council will attempt to mediate between the parties. If no agreement can be reached the Council would normally refuse to grant the application.
- 4.7 There is no set policy for dealing with complaints received about street traders, whether they are authorised or not. They are recorded on the service database, allocated to a Licensing Officer, who then makes relevant enquiries. This will usually involve interviewing the subject of the complaint. A decision on how to proceed can then be made. There are various possible outcomes including; no further action, action to be taken by the Licensing Manager or that the complaint is referred to the Licensing Committee in the form of a hearing. Any complaint is dealt with on its own merits.

#### Consents currently in force

- 4.8 There are currently 21 consents in force, which authorise:
- 2 regular markets;
  - 11 traders within the town centre of Taunton;
  - 2 traders who are mobile within the district and visit various sites;
  - 5 traders who occupy pitches on private land, such as an industrial estate;
  - 1 trader who has permission to trade within council owned public spaces, such as Vivary Park.

#### Policy

- 4.9 Attached at appendix E is the councils current street trading policy document, which was first implemented in December 2012. Prior to that date, there had been no formal policy at all.
- 4.9 The policy was created in order to set out clearly the councils expected standards and approach to determining relevant applications and enforcement. As with all other policies and procedures, the intention was that it would be periodically reviewed to ensure its relevance however, the only revision and amendment since its implementation was, as members will recall, the inclusion of an exemption for itinerant traders. The proposal to exempt itinerant traders from having to be formally authorised was the subject of a report to the committee at its meeting on the 22<sup>nd</sup> of February 2017, where it was approved.
- 4.10 Officers feel the policy is in need of, at the very least, an update to ensure that current practice is reflected and that all of the information is correct which, at present, it is not and this will be clear to members when read as there are glaring errors.

## **5 Links to Corporate Aims / Priorities**

- 5.1 The licensing service is committed to helping businesses and individuals to comply with all relevant legislation, in order to support new and existing businesses and enable cultural and leisure activities, thereby supporting the Council's growth agenda.

## **6 Finance / Resource Implications**

6.1 No finance or resource implications identified.

## **7 Legal Implications (if any)**

7.1 No legal implications identified.

## **8 Environmental Impact Implications (if any)**

8.1 No environmental impact implications identified.

## **9 Safeguarding and/or Community Safety Implications (if any)**

9.1 The four licensing objectives under the Licensing Act 2003 are:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

These are the main aims of the Licensing Service. The continued work of the service to achieve and promote these aims, further supports the role of the Council in ensuring community safety. The Council's involvement in the regulation of street trading through the issuing of consents, enables some control and redress. This allows issues such as rogue traders, public health concerns and obstructions of the highway, caused by street traders, to be addressed.

## **10 Equality and Diversity Implications (if any)**

10.1 There are a number of protected characteristics identified in the Equality Act 2010, which are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation and members need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty as part of the decision making process. The three aims the authority must have due regard for are:

- Eliminate discrimination, harassment, victimisation;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 No equality and diversity implications were identified.

## **11 Social Value Implications (if any)**

11.1 Since the report does not involve the procurement of services, no social value implications have been identified.

## **12 Partnership Implications (if any)**

12.1 No partnership implications were identified.

**13 Health and Wellbeing Implications** (if any)

13.1 Through effective regulation, confidence in licensed premises and activities can be maintained, helping communities to thrive.

**14 Asset Management Implications** (if any)

14.1 No asset management implications were identified.

**15 Consultation Implications** (if any)

15.1 No consultation implications were identified.

**16 Scrutiny Comments**

16.1 The purpose of the Licensing Committee is to act for the Council in respect of licensing and registration functions. The Committee's powers include the power to discharge licensing functions on behalf of the licensing authority, outside of the usual democratic progress.

**Democratic Path:**

- **Scrutiny / Corporate Governance or Audit Committees – No**
- **Cabinet/Executive – No**
- **Full Council – No**
  
- **Reporting Frequency :**     **Once only**     **Ad-hoc**     **Quarterly**  
    **Twice-yearly**                       **Annually**

**List of Appendices**

Appendix A	Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4, Street Trading
Appendix B	Application for a Street Trading Consent
Appendix C	Street Trading Consent Conditions
Appendix D	List of Fees
Appendix E	Current Street Traders Policy Report

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
 Schedule 4 STREET TRADING

*Interpretation*

1(1) In this Schedule—

- " consent street" means a street in which street trading is prohibited without the consent of the district council;
- " licence street" means a street in which street trading is prohibited without a licence granted by the district council;
- " principal terms ", in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below ;
- " prohibited street" means a street in which street trading is prohibited ;
- " street " includes—

(a)

any road, footway, beach or other area to which the public have access without payment; and

(b)

a service area as denned in section 329 of the Highways Act 1980, and also includes any part of a street;

- " street trading" means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street; and
- " subsidiary terms", in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

(2)The following are not street trading for the purposes of this Schedule—

(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;

(g) the use for trading under Part VILA 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 VILA 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.

(3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading 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 or with a stall or receptacle for them which does not—

(i) exceed one metre in length or width or two metres in height;

(ii) occupy a ground area exceeding 0.25 square metres ; or

(iii) stand on the carriageway of a street.

#### *Designation of streets*

2(1) A district council may by resolution designate any street in their district as—

(a) a prohibited street;

(b) a licence street; or

(c) a consent street.

(2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) A council shall not pass such a resolution unless—

(a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area ;

(b) they have served a copy of the notice—

(i) on the chief officer of police for the area in which the street to be designated by the resolution is situated; and

(ii) on any highway authority responsible for that street; and

(c) where sub-paragraph (4) below applies, they have obtained the necessary consent.

(4) This sub-paragraph applies—

(a) where the resolution relates to a street which is owned or maintainable by a relevant corporation ; and

(b) where the resolution designates as a licence street any street maintained by a highway authority ; and in sub-paragraph (3) above " necessary consent" means—

(i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation ; and



(ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(5) The following are relevant corporations for the purposes of this paragraph—

(a) the British Railways Board ;

(b) the Commission for the New Towns ;

(c) a development corporation for a new town ;

(d) an urban development corporation established under the Local Government, Planning and Land Act 1980 ;  
and

(e) the Development Board for Rural Wales.

(6) The notice referred to in sub-paragraph (3) above—

(a) shall contain a draft of the resolution ; and

(b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

(7) As soon as practicable after the expiry of the period specified under sub-paragraph (6) above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in sub-paragraph (1) above.

(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.

(10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

(11) Where a street is designated as a licence street, the council may resolve—

(a) in the resolution which so designates the street; or

(b) subject to sub-paragraph (12) below, by a separate resolution at any time,

that a street trading licence is not to be granted to any person who proposes to trade in the street for a number of days in every week less than a number specified in the resolution.

(12) Sub-paragraphs (3)(a) and (6) to (10) above shall apply in relation to a resolution under sub-paragraph (11) above as they apply in relation to a resolution under sub-paragraph (1) above.

(13) Any resolution passed under this paragraph may be varied or rescinded by a subsequent resolution so passed.

*Street trading licences*

3(1) An application for a street trading licence or the renewal of such a licence shall be made in writing to the district council.

(2) The applicant shall state—

(a) his full name and address ;

(b) the street in which, days on which and times between which he desires to trade ;

(c) the description of articles in which he desires to trade and the description of any stall or container which he desires to use in connection with his trade in those articles ; and

(d) such other particulars as the council may reasonably require.

(3) If the council so require, the applicant shall submit two photographs of himself with his application.

(4) A street trading licence shall not be granted—

(a) to a person under the age of 17 years ; or

(b) for any trading in a highway in relation to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 (road-side sales) is in force, other than trading to which the control order does not apply.

(5) Subject to sub-paragraph (4) above, it shall be the duty of the council to grant an application for a street trading licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraph (6) below.

(6) Subject to sub-paragraph (8) below, the council may refuse an application on any of the following grounds—

(a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street;

(b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade ;

(c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) above;

(d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(e) that the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder ;

(f) that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it;

(g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

(7) If the council consider that grounds for refusal exist under sub-paragraph (6)(a), (b) or (g) above, they may grant the applicant a licence which permits him—

(a) to trade on fewer days or during a shorter period in each day than specified in the application ; or

(b) to trade only in one or more of the descriptions of goods specified in the application.

(8) If

(a) a person is licensed or otherwise authorised to trade in a street under the provisions of any local Act; and

(b) the street becomes a licence street; and

(c) he was trading from a fixed position in the street immediately before it became a licence street; and (d) he applied for a street trading licence to trade in the street, his application shall not be refused on any of the grounds mentioned in sub-paragraph (6)(a) to (c) above.

4(1) A street trading licence shall specify—

(a) the street in which, days on which and times between which the licence-holder is permitted to trade ; and

(b) the description of articles in which he is permitted to trade.

(2) If the district council determine that a licence-holder is to confine his trading to a particular place in the street, his street trading licence shall specify that place.

(3) Matters that fall to be specified in a street trading licence by virtue of sub-paragraph (1) or (2) above are referred to in this Schedule as the " principal terms " of the licence

(4) When granting or renewing a street trading licence, the council may attach such further conditions (in this Schedule referred to as the " subsidiary terms" of the licence) as appear to them to be reasonable.

(5) Without prejudice to the generality of sub-paragraph (4) above, the subsidiary terms of a licence may include conditions—

(a) specifying the size and type of any stall or container which the licence-holder may use for trading ;

(b) requiring that any stall or container so used shall carry the name of the licence-holder or the number of his licence or both ; and

(c) prohibiting the leaving of refuse by the licence-holder or restricting the amount of refuse which he may leave or the places in which he may leave it.

(6) A street trading licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the licence, for that period.

(7) If a district council resolve that the whole or part of a licence street shall be designated a prohibited street, then, on the designation taking effect, any street trading licence issued for trading in that street shall cease to be valid so far as it relates to the prohibited street.

5(1) A district council may at any time revoke a street trading licence if they consider—

(a) that, owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street for the licence-holder to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons using the street;

(b) that the licence-holder is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason ;

(c) that, since the grant or renewal of the licence, the licence holder has persistently refused or neglected to pay fees due to the council for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder ; or

(d) that, since the grant or renewal of the licence, the licence-holder has without reasonable excuse failed to avail himself of the licence to a reasonable extent.

(2) If the council consider that they have ground for revoking a licence by virtue of sub-paragraph (1)(a) or (d) above, they may, instead of revoking it, vary its principal terms—

(a) by reducing the number of days or the period in any one day during which the licence-holder is permitted to trade ; or

(b) by restricting the descriptions of goods in which he is permitted to trade.

(3) A licence-holder may at any time surrender his licence to the council and it shall then cease to be valid.

6(1) When a district council receive an application for the grant or renewal of a street trading licence, they shall within a reasonable time—

(a) grant a licence in the terms applied for ; or

(b) serve notice on the applicant under sub-paragraph (2) below.

(2) If the council propose—

(a) to refuse an application for the grant or renewal of a licence ; or

(b) to grant a licence on principal terms different from those specified in the application ; or

(c) to grant a licence confining the applicant's trading to a particular place in a street; or

(d) to vary the principal terms of a licence ; or

(e) to revoke a licence,

they shall first serve a notice on the applicant or, as the case may be, the licence-holder—

(i) specifying the ground or grounds on which their decision would be based ; and

(ii) stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.

(3) Where a notice has been served under sub-paragraph (2) above, the council shall not determine the matter until either—

(a) the person on whom it was served has made representations to them concerning their decision ; or

(b) the period during which he could have required them to give him an opportunity to make representations has elapsed without his requiring them to give him such an opportunity ; or

(c) the conditions specified in sub-paragraph (4) below are satisfied.

(4) The conditions mentioned in sub-paragraph (3)(c) above are—

(a) that the person on whom the notice under sub-paragraph (2) above was served has required the council to give him an opportunity to make representations to them concerning it, as provided by sub-paragraph (2)(ii) above ;

(b) that the council have allowed him a reasonable period for making his representations ; and

(c) that he has failed to make them within that period.

(5) A person aggrieved—

(a) by the refusal of a council to grant or renew a licence, where—

(i) they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph 3(6)(d) to (g) above as the only ground on which their decision would be based ; or

(ii) they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs ; or

(b) by a decision of a council to grant him a licence with principal terms different from those of a licence which he previously held, where they specified in their notice under sub-paragraph (2) above the ground mentioned in paragraph 3(6)(g) above as the only ground on which their decision would be based ; or

(c) by a decision of a council—

(i) to vary the principal terms of a licence ; or

(ii) to revoke a licence,

in a case where they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph 5(1)(b) to (d) above as the only ground on which their decision would be based or they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs,

may, at any time before the expiration of the period of 21 days beginning with the date upon which he is notified of the refusal or decision, appeal to the magistrates' court acting for the petty sessions area in which the street is situated.

(6) An appeal against the decisions of a magistrates' court under this paragraph may be brought to the Crown Court.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraphs (9) to (11) below, it shall be the duty of the council to give effect to an order of the magistrates' court or the Crown Court.

(9) The council need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (6) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) If a licence-holder applies for renewal of his licence before the date of its expiry, it shall remain valid—

(a) until the grant by the council of a new licence with the same principal terms ; or

(b) if—

(i) the council refuse renewal of the licence or decide to grant a licence with principal terms different from those of the existing licence, and

(ii) he has a right of appeal under this paragraph, until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal; or

(c) if he has no right of appeal under this paragraph, until the council either grant him a new licence with principal terms different from those of the existing licence or notify him of their decision to refuse his application.

(11) Where

(a) a council decide—

(i) to vary the principal terms of a licence ; or

(ii) to revoke a licence ; and

(b) a right of appeal is available to the licence-holder under this paragraph,

the variation or revocation shall not take effect until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal.

#### *Street trading consents*

7(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.

(2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.

(3) A street trading consent shall not be granted—

(a) to a person under the age of 17 years ; or

(b) for 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.

(4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

(5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—

(a) obstruction of the street or danger to persons using it; or

(b) nuisance or annoyance (whether to persons using the street or otherwise).

(6) The council may at any time vary the conditions of a street trading consent.

(7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.

(8) The council may include in a street trading consent permission for its holder to trade in a consent street—

(a) from a stationary van, cart, barrow or other vehicle ; or

(b) from a portable stall.

(9) If they include such a permission, they may make the consent subject to conditions—

(a) as to where the holder of the street trading consent may trade by virtue of the permission ; and

(b) as to the times between which or periods for which he may so trade.

(10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

(11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

#### *General*

8. The holder of a street trading licence or a street trading consent may employ any other person to assist him in his trading without a further licence or consent being required.

9(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

(a) to the duration of the licence or consent;

(b) to the street in which it authorises trading; and

(c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

(a) is surrendered or revoked ; or

(b) ceases to be valid by virtue of paragraph 4(7) above, the council may remit or refund, as they consider appropriate, the whole or a part—

(i) of any fee paid for the grant or renewal of the licence ; or

(ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

(a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above ; or

(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders ;

and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

#### *Offences*

10 (1) A person who—

(a) engages in street trading in a prohibited street; or



(b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule ; or

(c) contravenes any of the principal terms of a street trading licence ; or

(d) being authorised by a street trading consent to trade in a consent street, trades in that street—

(i) from a stationary van, cart, barrow or other vehicle ; or

(ii) from a portable stall,

without first having been granted permission to do so under paragraph 7(8) above ; or

(e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(3) Any person who, in connection with an application for a street trading licence or for a street trading consent, 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.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding £200.

#### *Savings*

11. Nothing in this Schedule shall affect—

(a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act;

(6) section 55 of the Food and Drugs Act 1955 (prohibition of certain sales during market hours).

**Application for a Street Trading Consent  
Local Government (Miscellaneous Provisions) Act 1982**

**Your application will be deemed incomplete and will not be processed if you fail to include the documentation listed below;**

- 2 x A5 sized colour photographs of the stall
- Proof of Public Liability Insurance (minimum of £2 million)
- Application Processing Fee (to accompany applications for consents over 3-months)
- Full Application Fee (to accompany applications for consents less than 3 months)

Please select a Street Trading consent type:

**Grant**                      **Renewal**

Please select Street Trading Consent period:

12 Months\*

\*If you are not applying for 12 months consent, please select the proposed months of trading:

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC

Proposed day(s) of trading:

MON	TUES	WED	THUR	FRI	SAT	SUN

Proposed hour(s) of trading:

MON	TUES	WED	THUR	FRI	SAT	SUN

**Full Name:**

**Address:**

**Telephone Number:**

**E-mail:**

**Date of Birth:**



## **STREET TRADING CONSENT CONDITIONS**

### **General Conditions**

- 1 These conditions may be dispensed with or modified by the Council in any individual case by means of a Consent variation in accordance with the statutory requirements.
- 2 The Council reserves the right to exercise its powers under the Local Government (Miscellaneous Provisions) Act 1982 to prohibit any street trading for a maximum of six days in any one year where it is deemed necessary by the Council subject to notice in writing at least 14 days prior to removing the Consent day(s).
- 3 The Consent given by the Council is not transferable and is applicable to the consent holder only and it will relate to a specific stationary van, cart, barrow or other vehicle or moveable stall.
- 4 Traders shall comply with any recommendations/advice given to them by the Council, any Authorised Officer of the Council or a Police Officer.
- 5 The Council's Street Trading Consent Notice shall be conspicuously displayed on the stall, barrow, cart etc, to which the Consent applies, so that it is clearly visible to the public.
- 6 The Consent Holder(s) shall notify the Licensing Unit within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.
- 7 The Consent Holder shall not assign, underlet or part with his interest or possession under this Consent without informing the Council in writing.
- 8 The Consent Holder shall at all times maintain a valid Third Party Public Liability insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
- 9 If Trading is to take place on private land, the trader must have written permission from the Land Owner that trading can take place.
- 10 Traders/Trader Assistants must report the loss of a Consent Notice to the Council's Licensing Unit within 72 hours of losing it.
- 11 Traders/Trader Assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch or on their position will have their licence revoked.
- 12 Only those goods or services specified on the Consent may be sold or offered or exposed for sale on the street trading consent pitch.
- 13 Goods may not be of an inflammable, corrosive or otherwise dangerous nature.
- 14 All goods shall be clearly priced and goods sold by weight or number shall indicate the unit of quantity in which they are being offered for sale. A street trader offering a service shall make clear the nature and cost of that services
- 15 Traders shall, notify the Council in writing details of any assistants or of change of assistants working on the pitch.
- 16 Trading may only take place on the days and during the times specified on the Consent without special authorisation being given in writing from the Council.

- 17 Traders and their assistants employed by them shall ensure the public are treated fairly and with courtesy at all times.
- 18 Traders shall conduct their undertaking in such a way as to ensure so far as is reasonably practicable that no person is exposed to risks to their Health and Safety.
- 19 Traders shall notify the Council in writing of any change of address or addresses at which the stall and perishable goods are stored. Such notice shall be given within 7 days of the change.
- 20 If a trader wishes any of the terms of the Consent to be varied or to seek the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.

### **Site Conditions**

- 21 The trader will be responsible for cleansing of the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.
- 22 The trader shall make such provision as is necessary to prevent any discharge of water or effluent from the street trading activity to any surface drainage or any other watercourse.
- 23 The trader when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity.
- 24 Advertisements or other notices must not be placed outside of the area of the street trading site without the approval of the Council. The Consent Holder shall not make any excavations or alterations of any description in the surface of the street or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface except with the previous consent from the Council in writing.
- 25 The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
- 26 Traders shall not allow any obstruction to fire hydrants, manholes or other street furniture etc, resulting from their business.
- 27 The trader shall trade only from the position, which is detailed on the Consent, unless directed to or agreed to by the Licensing Authority.
- 28 The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
- 29 No heat producing equipment shall be used without the express permission of the Council and any such equipment shall be so placed within the trading areas as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Authorised Officer of the Council.
- 30 Fabrics or other sheet materials used in the construction of the stalls, roof coverings, drapes or awnings shall be rendered flame retardant and maintained in that condition to the satisfaction of the Council

- 31 Traders selling food products, shall comply with the provisions of the Food Safety Act 1990 (Amendment) Regulations 2004, General Food Regulations 2004, Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006
- 32 Liquefied Petroleum Gas shall not be used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
- 33 No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that: - they do not present a danger to the public do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not cause any noise or fume nuisance.
- 34 A competent person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturers instructions.
- 35 No combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.
- 36 Wherever possible all generators must be fuelled by diesel oil.
- 37 No fuel may be stored in the vicinity of a generator.
- 38 Generators must not be filled up during the trading day. All generators should be filled up at the start of the day before trading.
- 39 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the General Public do not have access to the equipment.
- 40 All traders using any form of power must have a minimum of a one-litre fire extinguisher.
- 41 Mobile traders must not trade in an area that conflicts with the trade of any business or street trader that is located within the close proximity of the trading site.

#### **Town Centre Conditions**

- 42 All furniture i.e. tables and chairs, used within the Taunton Town Centre must be of metal construction or otherwise approved by the Authority – plastic furniture is not permitted.
- 43 The trading area shall not exceed the dimensions 10ft x 8ft (3.05m x 2.44m) except during immediate re-stocking.
- 44 If a trader is not using a pitch for a period longer than seven days then the trader/consent holder must notify the Licensing Unit.
- 45 Traders shall commence trading, with their stalls in position and goods contained within the pitch area by 9.30am and should not be moved before 4.00pm. No vehicles are allowed onto the consented areas between these hours without special authorisation in writing from the Council.
- 46 Vehicles may only be used for delivery before 9.30am and after 4.00pm in the Consented Areas Once any vehicles have been unloaded, they must be removed from the Consented Area immediately.

- 47 All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
- 48 All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
- 49 All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, they must be fitted with rubber cable protecting mats.
- 50 Valid Portable Appliance Testing or similar for all electrical equipment used in the stall or unit must take place and evidence should be available if required by the Licensing Unit.
- 51 Electrical Power will only be available to traders for lighting and tills unless prior consent is obtained from the Council.
- 52 The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.
- 53 All goods, containers or other articles shall be contained within the licensed pitch area and height and shall not project beyond.
- 54 Traders shall not use or permit to be used on the pitch area or within the immediate vicinity any radio, cassette or CD players or other equipment or apparatus to produce music or other sound.

### **Mobile Trading**

- 55 This consent is granted on the basis that a mobile trader must not trade from a site for more than the time specified in the Consent by the Council.
- 56 Mobile Units using chimes may sound chimes but not:-
  - (a) For longer than 4 seconds at a time.
  - (b) More often than once every 3 minutes.
  - (c) When the vehicle is stationary.
  - (d) When the vehicle is moving, except on approach to a selling point.
  - (e) When in sight of another vehicle which is trading.
  - (f) When within 50 metres of schools (during school hours) & hospitals places of worship,(on Sundays and other recognised days of worship).
  - (g) More often than once every 2 hours in the same length of street.
  - (h) With the volume too loud (i.e. not more than 80 dB(A).

### **Food Trading**

- 57 Vans and stalls used for cooking must be adequately ventilated.
- 58 The Business must comply with current food safety legislation.
- 59 All staff must have attended, as a minimum, "level 1" Food Hygiene training within the past 5 years. Evidence of Food Hygiene training must be available for examination by an authorised officer of the Council at any time when the unit is trading.

### **Lay-By Trading**

- 60 The Consent Holder shall provide suitable and sufficient sanitary accommodation for his customers to the satisfaction of the licensing authority. The local authority shall approve the sanitary accommodation arrangements.

### **Revocation Or Surrender Of Consent**

- 61 The Council may revoke this Consent at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.
- 62 The holder of Street Trading Consent shall return the said Consent to the Council immediately on revocation or surrender of the Consent.



### **Fees for street trading**

### APPENDIX D

- Consent grant, 1 year - £696
- Consent grant, 1 month - £66
- Consent grant, 1 week - £41
- Consent grant, 1 day - £35
- Consent renewal - £680

TAUNTON DEANE BOROUGH COUNCIL



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
STREET TRADING

SECTION 115E PERMISSIONS, HIGHWAYS ACT 1980  
PROMOTIONAL SPACES AND PAVEMENT CAFES

STREET TRADING/S115E PERMISSIONS POLICY & GUIDANCE

Version 2.0 - August 2012

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## INTRODUCTION

This policy has been developed to assist persons applying for Street Trading Consents and s115e Permissions in Taunton Deane. It was adopted by the Council on 11 December 2012 and sets out the Council's principles, aims and standards for the administration and supervision of street trading and s115e activities within Taunton Deane.

Taunton Deane Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading within its area. Taunton Deane Borough Council issues S115E of the Highways Act 1980 on behalf of Somerset County Council Highways Authority.

The Council has further designated all of its administrative area as Consent Streets for street trading, pavement cafes and promotional spaces purposes.

Taunton Deane Borough Council will apply these guidelines to street trading activities and pavement cafes and promotional spaces in its area to ensure consistency of decision making.

However each application or contravention will be considered on its merits so that individual circumstances, where appropriate, are taken into consideration.

Taunton Deane Borough Council's street trading policy's aim is to create a street trading environment which complements premises based trading, is sensitive to the needs and amenities of residents, provides diversity of consumer choice, and seeks to enhance the character, and ambience of local environments.

The policy recognises the importance of street trading to the area and that it can add to the vibrancy and vitality whilst not necessarily adding to nuisance and crime and disorder.

This policy will be the subject of periodic monitoring and review and will be applied in a manner which is consistent with the Council's equalities and diversity policies.

## DEFINITIONS OF TERMS USED IN THIS POLICY

Within the terms of the definitions apply:

<b>The Council</b>	Means the Taunton Deane Borough Council
<b>Street Trading</b>	Means the selling or exposing or offering for sale of any article (including a living thing) in any street
<b>S115E Permission</b>	Means permission to place an obstruction on the Highway
<b>Street</b>	Includes: (a) Any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
<b>Consent Street</b>	Means a street in which street trading is prohibited without the consent of Taunton Deane Borough Council.
<b>Consent</b>	Means consent to trade on a street by Taunton Deane Borough Council.
<b>Consent Holder</b>	Means the person or company to whom the consent to trade on a street has been granted by Taunton Deane Borough Council
<b>Authorised Officer</b>	Means an officer employed by Taunton Deane Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

LOCAL GOVERNMENT (MISCELLEOUS PROVISIONS) ACT 1982  
SCHEDULE 4  
STREET TRADING

'Consent Street' means a street in which street trading is prohibited without the consent of the district Council.

The Council will not grant a Street Trading Consent to persons under the age of 17 years.

The following are not street trading for the purpose of this schedule

- a) Trading by a person acting as a pedlar under the authority of a pedlars certificate granted under the Pedlars Act 1871;
- b) anything done in a market or fair the right to hold which is acquired by virtue of a grant (including 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-  
is carried on at premise used as a petrol filling station; or  
is carried on at premise used as a shop or in a street adjoining premise so used and as part of the business of the shop;
- f) selling things or offering or exposing them for sale, as a roundsman
- 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;  
the operation of facilities for recreation or refreshment under Part VIIA of the highways Act 1980
- h) the doing of anything authorised by regulations made under section 5 of the Police Factories etc (Miscellaneous Provisions) Act 1916

Mobile Trading

The Council has reached a decision to allow holders of mobile trading consents to trade on any public highways within the administrative area of Taunton Deane Borough Council. You can not trade on public open space/Council owned land/privately owned land without the consent of the appropriate land owner.

SECTION 115E – Pavement Cafes & Promotional Spaces  
HIGHWAYS ACT 1980

Subject to subsections (2) to (4) below, a council may grant a person permission—

- a) to do on, in or over a highway to which this Part of this Act applies anything which the council could do on, in or over such a highway under section 115B(1) to (3) or 115C above; or
  - b) to use objects or structures on, in or over a highway to which this Part of this Act applies—
    - (i) for a purpose which will result in the production of income;
    - (ii) for the purpose of providing a centre for advice or information;
    - (iii) or for the purpose of advertising.
- 2) A council may not grant a person permission under subsection (1) (a) above to place an object or structure on, in or over a highway to which this Part of this Act applies—
- (a) for a purpose which will result in the production of income; or
  - (b) for the purpose of providing a centre for advice or information, unless they have first obtained the consent of the frontages with an interest—
    - (i) to the placing of the object or structure;
    - (ii) to the purpose for which it would be placed; and
    - (iii) to the proposed grant of permission.
- 3) A council may not grant a person permission to do anything which the council could only do under section 115C above unless they have first obtained the consent of the frontages with an interest.
- 4) A council may not grant a person permission—
- (a) to carry out works on, in or over a walkway;
  - (b) to place an object or structure on, in or over a walkway; or
  - (c) to provide, maintain or operate facilities for recreation or refreshment or both on a walkway, unless they have first obtained walkway consent.

Application forms for promotional spaces and pavement cafe permissions can be downloaded from the Taunton Deane Borough Council website.

## CONDITIONS AND ENFORCEMENT

Standard conditions may be attached to each street trading consent or S115E permission detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. A copy of these conditions can be requested from Taunton Deane Borough Council Licensing Department or viewed on the Taunton Deane Borough Council Website [www.tauntondeane.gov.uk/streettrading](http://www.tauntondeane.gov.uk/streettrading)

Specific conditions may also be attached such as the days and hours when trading/operation is permitted, the goods which may be sold, the design and layout of any stall or street furniture provided and the size of the pitch.

Failure to comply with conditions, non-payment of fees or non-attendance at the site without good reason may lead to revocation or non-renewal of a consent or permission.

Persons trading without a street trading consent or s115E permission and who are not exempt will be the subject of enforcement action. This will include any person who holds a certificate granted under the Pedlar's Act 1871, but who fails to operate in accordance with the Act.

The issue of absent traders will be addressed by conditions upon the licence or the consent, for example conditions which:

- require personal attendance of the holder without the option for someone else to run the business on his behalf;
- require the holder to provide notification of his nominated assistant;
- require the holder to provide notice of non-attendance to the Licensing Department (not required for periods of less than 20 working days for Annual leave);
- allow the Licensing Department to revoke the consent after 20 working days non attendance where no notification of absence has been submitted.



## OCCASIONAL CONSENTS & PERMISSIONS

### Special Events

Highlights in the Taunton event calendar include the annual Family Fun Day in June, Taunton Marathon, Summer Westival, Taunton Flower Show in August, Taunton Carnival and Christmas Lights celebrations.

Visiting Markets include the weekly Vale of Taunton Farmers' Market all throughout the year and the monthly Blackdown Hills Craft Market from March - December.

Traders wishing to partake in any of the above events must contact Taunton Deane Borough Council Licensing Department for further information.

### Christmas Trading

Whilst we welcome occasional trading, the same process will be followed for applications as permanent consents.

We recommend that applications for the busy Christmas period are submitted 3 months prior to the beginning of the Christmas trading period in Taunton which begins with the Christmas event in mid November.

### Busking

If you want to busk in any of the consented streets in Taunton Deane you will require permission from the Taunton Town Centre Team they can be contacted on 01823 324 050. If you wish to sale items as you busk you will also require street trading consent, which can only be obtained through Taunton Deane Borough Council Licensing Department.

### S115E – Promotional Space Permissions

There are currently two pre-approved promotional space in Taunton Town Centre. You must book and apply for permission before using the promotional space. In order that we can offer these spaces to charities for free there is a daily charge for business/non charitable use. You can apply to promote your business/charity/organisation anywhere in the pre-consented areas, however your application will require going through the consultation period if it is not already in one of the pre-approved promotional areas.

You can contact the Licensing Department prior to submitting an application to use a promotional space to check the space is available. The licensing team are unable to reserve spaces, however they will be able to inform you if it is currently available. Your application for promotional space must be received 14-days prior to the date of use to ensure the permission can be decided in good time.

## CONSENTED AREAS APPROVED FOR STREET TRADING & S115E PERMISSIONS

### Site Assessment for consents

The Council will not identify suitable 'pitches' for street trading but will maintain a map showing the location of existing sites that have permission to street trade.

### List of existing sites that have permission

#### Street Trading Consents - Taunton

High Street  
Fore Street  
Somerset Square  
Goodland Gardens  
Vivary Park  
Longrun Meadow

#### S115E Permission – Pavement Cafes

High Street  
Fore Street  
Somerset Square

#### S115e Permission – Promotional Space

Fore Street  
High Street

### Nature of Goods and Trading Hours

The nature of goods which may be sold from any pitch will be specified in the consultation process.

The Council would not normally grant a new consent for the sale of goods or services which conflict with those provided by nearby traders.

General street trading hours are not set, therefore in the case of hot food takeaways and fresh produce sellers trading hours will be determined on a pitch-by-pitch basis.

The design and appearance of the stall, barrow, van or cart etc. to be used must be approved by the Council.

Consents will normally be issued for seven days per week, unless there are limiting factors on the use of a pitch on particular days. The permissions granted will identify the permitted days and times of trade.

## DESCRIPTION OF EXSISTING CONSENTED AREAS

Taunton is Somerset's principle town. An historic market town set on the banks of the River Tone, it has a bustling and diverse shopping area, a thriving cultural scene, and excellent educational and health services. Surrounded by some of South West England's most beautiful rural and coastal landscapes, Taunton has excellent transport links to London, the Midlands, Bristol, Exeter and beyond.

### High Street

Taunton town centre offers an exciting range of shops, cafes and other leisure facilities and boasts an array of pavement cafes, promotional spaces and street trading in a semi-pedestrianised location.

Many major stores can be found on its bustling main shopping streets and in the newly-refurbished retail centre, Orchard. It also boasts a wide variety of independent shops particularly in Bath Place and the Coal Orchard area - and a very popular Vale of Taunton Farmer's market, located in the High Street every Thursday. The town centre hosts a range of events and entertainment year round.

Project Taunton is planning major improvements to both the main shopping area and Coal Orchard, making the town the wider catchment's retail destination of choice.

Currently there are 2 permanent street traders in this area offering fresh cut flowers and hot sausages.

There are 8 pavement cafes

Vehicle access is required in this area and a red route for emergency vehicles must be maintained at all times.

A fixed electrical supply is available in this area

### Fore Street\*

Positioned at the rear of the Market House this area contains 3 permanent street traders offering food items such as juices, ice creams and fruit and veg. The main approved promotional space is situated at the West End of the Market House.

A fixed electrical supply is available in this area.

\*Due to the volume of currently consented hot and cold food vendors applications for further food sellers may not be considered for this area.

### Vivary Park\*

Is a public open space. The Sherford Stream, a tributary of the River Tone flows through the 7.5 hectares (19 acres) park, which is located near the centre of the town. It contains two main wide open spaces, as well as a High Ropes Course, Golf Course, and war memorial dating from 1922, a miniature golf course, tennis courts, two children's playground, a model railway track which was added in 1979, and an 18-hole, 4620-yards, par-63 golf course. The park includes trees, rose beds and herbaceous borders with around 56,000 spring and summer bedding plants being used each year. The rose garden includes the Royal National Rose Society Provincial Trial Ground.

\*Permits to use the park are required from Taunton Deane Borough Council DLO section before Street Trading Consent or s115e permissions can be granted.

## Cultural Quarter

The Cultural Quarter within Taunton's town centre runs along the south bank of the River Tone. Extending from Priory Bridge and including Somerset's famous County Cricket Ground the Cultural Quarter links the town centre with the Firepool commercial development and Tangier. With attractive landscaping, riverside walkways and new facilities, the Cultural Quarter is also home to Taunton's Brewhouse Theatre & Arts Centre.

## Somerset Square

Somerset Square is the newly landscaped public space which is situated between Pegasus Court and Coal Orchard. The area has been created to provide a suitable setting for the Cricket Club's redevelopment and the Brewhouse Theatre & Arts Centre which now benefits from a fabulous outlook with outdoor eating and performance areas.

A weekly farmers market takes place each Saturday.

Electric is available in this area.

## Goodland Gardens

Goodland Gardens, on the site of the town's original fulling mill built in 1219, is the largest public space in Taunton's town centre. Centrally located between the river and Taunton's Grade I listed Mediaeval Castle, the Gardens link Coal Orchard, Bridge/North Streets, Castle Green and Tangier.

Laid out in 1971, the public space takes its name from the Goodland family who played a major role in the water-borne coal trade and were involved in the work of the Tone Conservators who annually inspected the river to ensure that it was navigable.

Currently there is no electric available in this area.

## Castle Green

The impressive plans to reinstate Taunton's, historic Castle Green as a civic space for markets, events and relaxation is now underway. Funds for the project have been granted by central Government for specific projects associated with the Town Centre regeneration and growth.

Meanwhile the Museum of Somerset accommodated in Taunton's 12th Century Castle (sited on the northern side of Castle Green) has recently opened its doors to the public following a superb £6million refit.

## Tangier

Tangier is an area to the south of the town centre skirting the river from the bus station to French Weir Park. This prime location, with many brown-field areas in public ownership is perfect for small scale commercial mixed use development – and a regional house builder has already acquired outline consent to build 200 new homes.

A new major road scheme, The Third Way, linking the A38 (Wellington Road) to Bridge Street and two Park & Ride schemes will ease the flow of traffic to this area significantly, making it a very desirable part of town in which to work and live.

## Longrun Meadow

Longrun Meadow is public amenity land, to the south of Taunton town centre, bounded on its northern perimeter by the River Tone. It offers 65 acres of meadow, cycle and footpaths, an open oak barn for gatherings, shelter or what-you-will and a unique living willow 'cathedral' in a quieter area.

A Friends of Longrun Meadow group, with an interest in community events, outdoor recreation and wildlife, 'caretake' the space.

## CONSULTATION ON APPLICATIONS

Before a Street Trading Consent or s115e permission is granted or renewed the Council will consult with various persons and organisations which may include the following:

- Somerset County Council Highways Authority
- Avon and Somerset Constabulary
- Taunton Deane Borough Council Environmental Health
- Taunton Town Centre Team (for street trading in Town Centre)
- Taunton Deane Borough Council Economic Development Team
- Devon and Somerset Fire Service

If the proposed street trading site is on private land we will require a letter from the land owner giving permission for it to be used for street trading with the application.

The consultation period with the above organisations and persons will be a maximum of 28 days from the date of a complete application being made to the Council.

If an objection is received from any of the above consultees, the Council will attempt to mediate between the parties. If no agreement can be reached the Council would normally refuse to grant the application.

## SITE SAFETY ASSESMENT

Street Trading Consents or s115e permissions from static locations will **not** be granted where:

- a) A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
- b) Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- c) There is a conflict with Traffic Orders such as waiting restrictions, or
- d) The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- e) The trading unit obstructs the safe passage of users of the footway or carriageway, or
- f) The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- g) The site does not allow the Consent or Licence Holder, staff and customers to park in a safe manner, or
- h) The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

## ADDITIONAL REQUIREMENTS

### Planning Permission

The issue of any street trading consent or s115e permission in relation to any particular land does NOT constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.

Use of the land for trading may, therefore, amount to a material change of use for which planning permission is required notwithstanding that a street trading consent may have been granted.

You should contact the Council's Development Management on 01823 358695 and seek advice as to whether an application for planning permission needs to be made in respect of the proposed use of the land. Planning enforcement action could be taken in situations where planning permission is required but not obtained.

### Licensing Act 2003

Under the Licensing Act 2003 a premise licence is required for the following;

- persons selling hot food between the hours of 2300 and 0500 hours
- Selling of alcohol on/off the premise
- regulated entertainment to include; live/recorded music, plays, films, dancing, facilities for
- making music and dancing.

This requirement is in addition to the requirement to hold a Street Trading Consent or s115e permission.

These notes are intended to cover the Street Trading consents and s115e permissions only, and separate application and consultation arrangements are required under the Licensing Act 2003.

Please contact the Licensing Team on 01823 356 343 to obtain further information and advice.

### Permits for trading on Taunton Deane Borough Council owned land

Permits for consent to use public open are required for Vivary Park and Longrun Meadow, consents for Street Trading/s115e will not be issued without a permit for use being granted and submitted with the application.



## REFUSAL OF APPLICATINS

Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application.

There is no right of appeal to the Magistrates Court against decisions of the Council in relation to Street Trading Consents under the Local Government (Miscellaneous Provisions) Act 1982.

Where a deposit has been made with an application, 50% of the deposit will be refunded to the applicant in the case of an application not being granted.

## FEES

Fees are payable for each unit/site consent and/or s115e permission

If the fee is more than £1,000 annual then 1/12th of the fee must be paid on application. If the fee is under £1,000 annual then the full fee must be made on application.

Fees over £1,000 after application fee can be made by direct debit over the course of the consent/permit period.

Markets must supply the Licensing Department with a monthly list of traders, an invoice will be sent every 3 months based on those numbers for payment.

### Street Trading Consents for which fees are not payable

The following Street Trading activities have been deemed by Taunton Deane Borough Council to not require the payment of fees to the Council:

- a) Fetes or community events held for charitable purposes.
- b) Non-Commercial Car Boot Sales (i.e. events organised by organisations that will not involve private gain for an individual or company)
- c) Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.
- d) Trading Concessions granted by the council on their land (a Street Trading Consent will still be required).
- e) Annual Somerset Carnival procession when in the Borough of Taunton Deane.

### Farmers Market/or similar

Farmers Market will be subject to the street trading scheme but at a reduce fee

A full list of fees for trading in Taunton Deane Borough Authority split into Zone 1 and Zone 2 is available on the Taunton Deane Borough Council website  
[www.tauntondeane.gov.uk/streettrading](http://www.tauntondeane.gov.uk/streettrading)

## CONSENT/PERMISSION LICENSED PERIOD AND RE-APPLICATION

Street trading consents and s115e Permissions are issued for a maximum period of 12 months.

New consents may be issued for a three month trial period to determine if necessary the viability and impact of trading.

Consents for shorter periods may be issued on request but subject to the payment of the appropriate fee determined by the Council.

Should the holder of a consent or permission wish to continue to benefit from it an application to renew the consent or permission must have been submitted to and approved by the Council prior to the expiry of the existing authorisation.

The Council will endeavour to send out a reminder 2 months prior to the consent/permission expiring however the responsibility to ensure applications for renewal are submitted on time lies with the consent or permission holder.

Please remember that applications for renewal will be subject to a consultation period of a maximum of 28 days and deadlines for submission of renewal application should be calculated appropriately.