South Gloucestershire Council

Street Trading Policy and Application Guidelines 2026

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Section 1 Introduction

1.1 Policy objectives

This policy sets out the Council's principles and procedures for administering, regulating and enforcing street trading in a fair, proportionate and business-supportive manner.

The policy aims to reduce unnecessary administrative burdens, especially at renewal, where there are no compliance issues or material changes.
It has been agreed by the Regulatory Committee and sets out this Council's standards for determining applications for, and enforcement of, street trading activities in the South Gloucestershire district.

South Gloucestershire has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 with regards to street trading for the whole of its district. The Council has further designated all streets in South Gloucestershire as Consent Streets for street trading purposes. The effect of this designation is that street trading in any street in South Gloucestershire is prohibited, subject to the legal exemptions, without first obtaining a consent to trade from the Council.

South Gloucestershire Council will apply this policy to street trading activities in its district to ensure consistency of decision making. However, each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

The principles of supporting localism and community based events underpin this document and will be a considered factor when interpreting the guidelines.

1.2 Definitions of terms used in this policy

Within the terms of the South Gloucestershire Council's Street Trading Consent Policy the following definitions apply:

The Council	Means South Gloucestershire Council.
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street.
Street	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.
Consent Street	Means a street in which street trading is prohibited without the consent of South Gloucestershire Council.
Consent	Means a consent to trade on a street by South Gloucestershire Council.
Consent Holder	Means the person or business to whom the consent to trade has been granted by South Gloucestershire Council.

Static Street Trader	Means a trader granted permission by South Gloucestershire Council to trade from a specified position.
Mobile Street Trader	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
Authorised Officer	Means an Officer employed by South Gloucestershire Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Block consent	A consent granted to an organiser covering multiple trading units at an event or location; the organiser is responsible for ensuring traders meet insurance, hygiene and registration requirements.

1.3 Exempted street trading activities

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

(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 presumed grant) or acquired or established by 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 newsvendor.

(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 or 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, or in or over a highway.

(h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.

(i) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point (f) above it has been established in law that mobile ice cream sales normally will not deemed to be exempt from street trading regulation on the grounds that they are not a roundsman.

<u>Market Charters</u>

Thornbury and Chipping Sodbury have established rights to hold a market. If markets are held in accordance with the provisions of their charter they will be exempt from the requirement to hold a street trading consent.

Any markets organised under the auspices of the market authority for Chipping Sodbury and Thornbury in the following locations will be considered to be exempted street trading activities by virtue of the historical charters in place:-

Chipping Sodbury: Horse Street, Broad Street and High Street.

Thornbury: High Street, Rock Street (including car park), Main Shopping Centre (The Plain) and Castle Street.

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from South Gloucestershire Council.

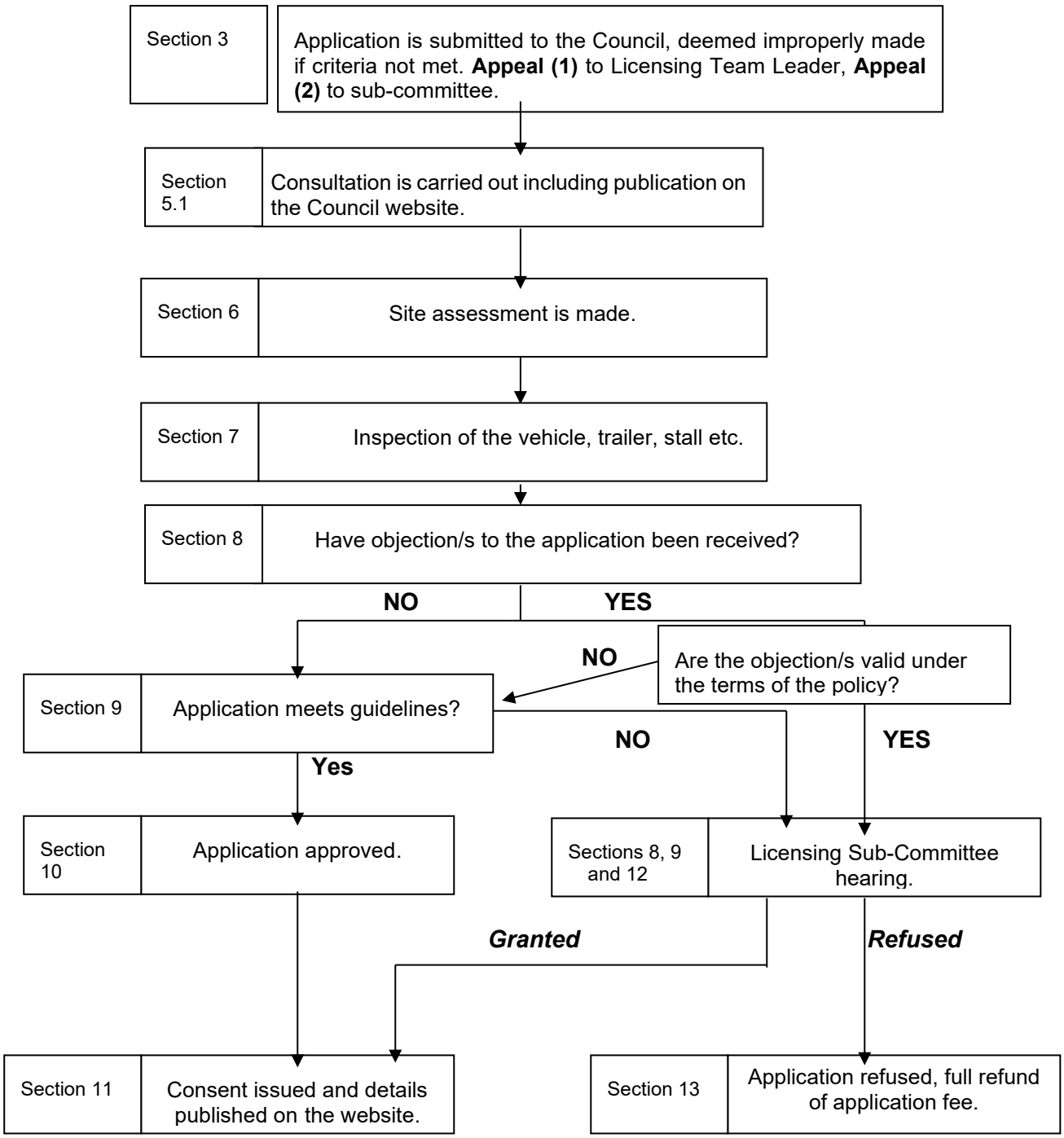
1.4 Guidelines for street trading consent applicants

Guidance notes, application forms, document checklists and fee schedules will be available and maintained on the Council's Licensing webpages. The policy will not include operational forms. These are for guidance only and are not exhaustive. Reference should also be made to the current South Gloucestershire Council Street Trading Policy and the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

Section 2 Procedure for determining Street Trading Consent Applications

New application process

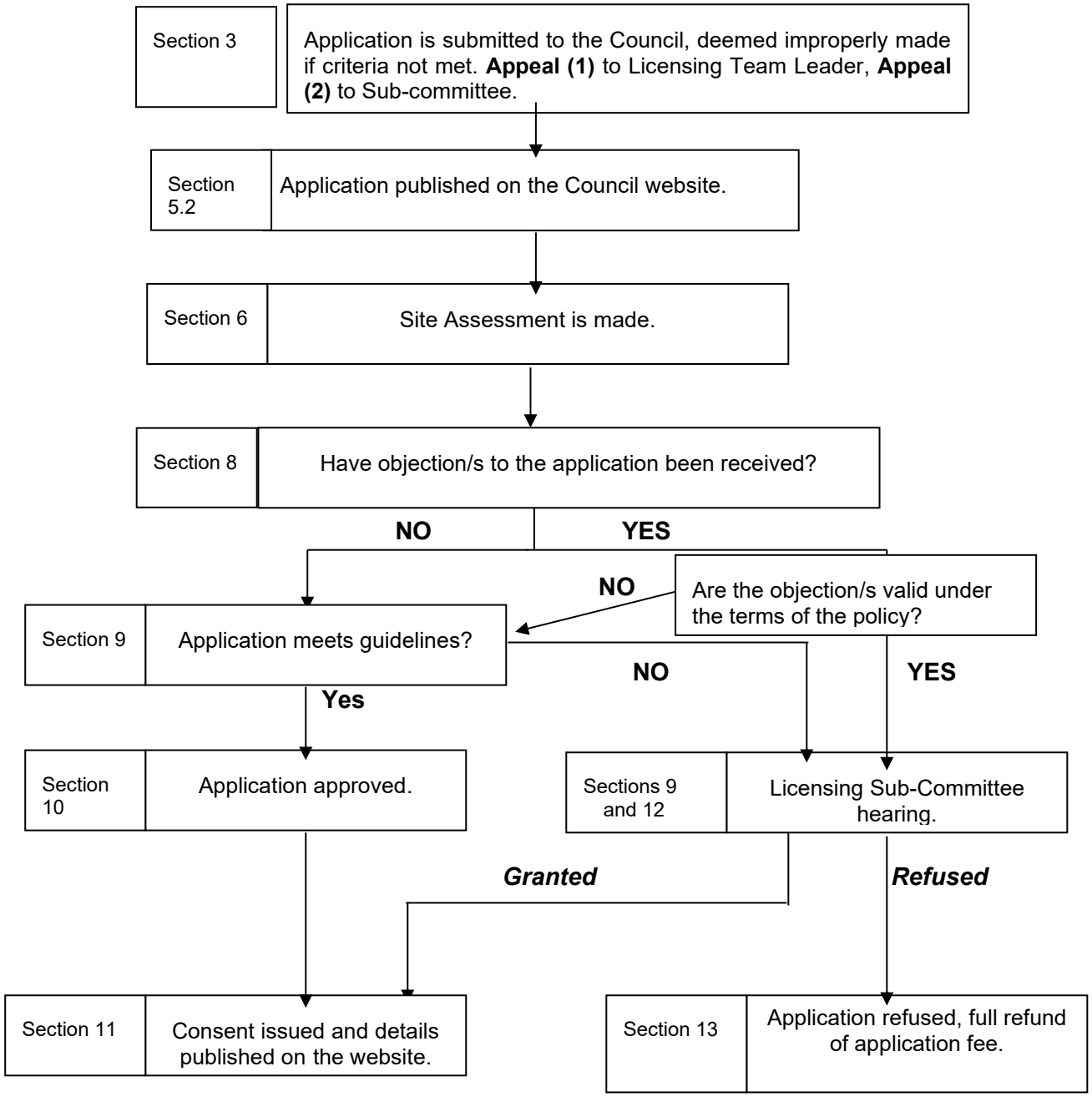
The application and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.
Appeal 2 review to a Licensing Sub-Committee within one calendar month.

Renewal application process

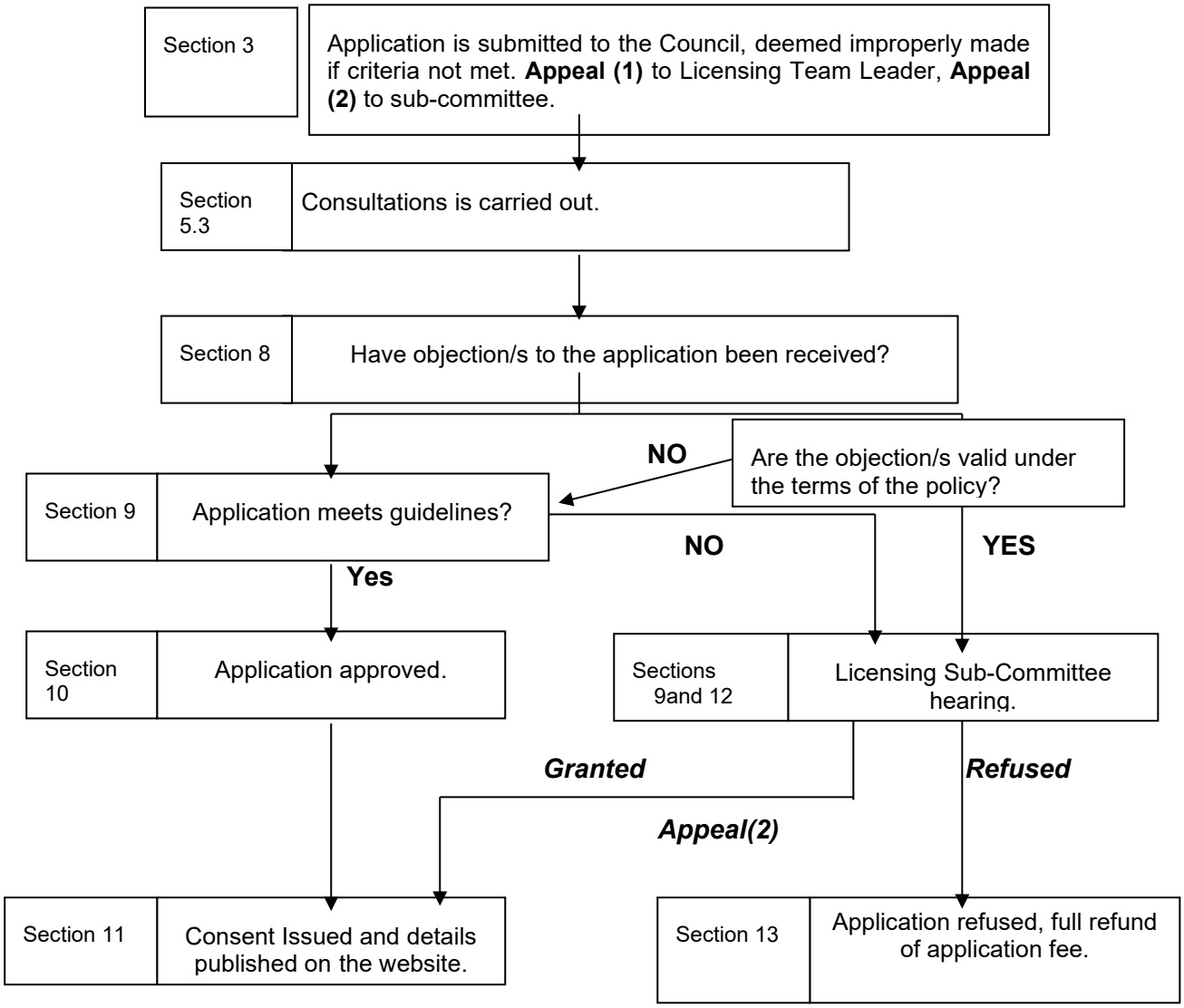
The application to renew a street trading consent and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.
Appeal 2 review to a Licensing Sub-Committee within one calendar month.

Transfer application process

The application to transfer a street trading consent and approval procedure comprises of the following stages. The descriptions on the side of the boxes refer to the explanatory notes in the subsequent sections of the guidelines:



Appeal 1 to the Licensing Team Leader who will review within 20 working days.
Appeal 2 review to a Licensing Sub-Committee within one calendar month.

Section 3 Submission of the Application

An applications must be submitted via the Council's Licensing webpage (or Gov.UK where enabled). Current documents requirements, service standards and contact details will be maintained online. If you need any help in completing the application form please contact the Council's Licensing Service on 01454 868001 to make an appointment.

You will need to submit the following documents and fee for the application:

1) A completed and signed Street Trading Consent application form.

2) Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the date of application).

3) Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.

4) The applicable fee stated in the current Licensing fees and charges. The fee will be refunded if the application is refused.

5) Where the proposed street trading activity is from a fixed position, one copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line. **Please be advised that some maps printed from internet sites are subject to copyright and will not be accepted by this Licensing Authority as applications are published on the Council website**

6) One colour photograph of the trading unit (stall, van, barrow, cart etc.) that will be used for the street trading activity.

7) An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.

8) Written permission from the landowner if the street trading activity is to be carried out on private land.

9) Block consent applications will require colour photographs of the area the consent is being applied for.

10) A Basic Criminal Record Check for each applicant from either the Disclosure and Barring Service (DBS) or a Subject Access Check from the local police station. On application the check will not be accepted if it is submitted later than two months from the date of issue of the disclosure certificate. This will need to be completed upon application every three years.

11) Block consent applications will require proof that all food traders are registered with a Local Authority.

12) Written permission for toilet provisions for the street trader and all staff to use.

13) For trade waste, original proof of a contract set up with a trade waste collection contractor.

NB An appointment is necessary if visiting the office for advice or assistance.

Block Consents

Event organisers may apply for a Block Consent covering multiple traders. Organisers must provide a site plan and schedule of traders, ensure traders have public liability insurance, and (for food businesses) proof of registration with their local authority, alongside adequate welfare and waste arrangements.

Section 4 Basic Criminal Record Check

A basic criminal record check from the Disclosure and Barring Service or Subject Access Check from the local police will be required with each new application or every 3 years for a renewal application for the applicant. A declaration form will also be completed by the applicant to confirm that they have not received any convictions and/or cautions. The applicant must also list at new and renewal and during the term of the consent, all working assistants associated with the street trading consent, as stated in the conditions.

For applicants renewing a seasonal consent only, prior to the expiry of their existing consent, a basic criminal record check must be dated no older than 3 years at the time of a renewal application being made. A declaration form will be completed by the applicant to confirm that they have not received any convictions and/or cautions.

When considering the relevance of convictions and cautions this Licensing Authority will have regard to **Appendix One**.

In assessing whether an applicant is a “fit and proper” person, that being morally suitable to comply with regulatory requirements, this Licensing Authority will consider each case on its own merit.

This Licensing Authority will take account of unspent convictions and cautions, but only insofar as they are relevant to an application for a consent. Upon receipt of a basic disclosure certificate from an applicant, a Licensing Officer will assess whether any or all of the convictions and/or cautions have relevance to the issue of whether or not the applicant is a “fit and proper” person to hold a consent. If it is determined that the convictions and/or cautions are relevant, then a Licensing Officer will refer the application to a Licensing Sub-Committee for determination.

Section 5 Consultations on applications made

Before a Street Trading Consent is granted, renewed or transferred the Council will carry out a consultation process with relevant public bodies and other interested persons.

Applicants must affix a yellow notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation has ended.

Written observations from relevant public bodies and other interested persons will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a yellow notice of the application in the immediate vicinity of the site of the proposed event.

5.1 New applications process

In particular, this Licensing Authority will consult with the following relevant public bodies and other interested persons:

1) Town Councils / Parish Councils / Councillors
2) Local Residents(with properties within 100 metres of the proposed trading site)
3) Avon and Somerset Police (for Crime and Disorder issues)
4) Avon Fire and Rescue Service
5) South Gloucestershire Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the consent to be issued and type of vehicle or stall to be used).
6) South Gloucestershire Highways Department
7) Highways England
8) South Gloucestershire Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.)
9) South Gloucestershire Environmental Protection Team (Noise, odour, litter etc.).
10) South Gloucestershire Property Services
11) The land owner (If the proposed street trading site is on private land)
12) South Gloucestershire Streetcare Team
13) South Gloucestershire Public Health Team
14) Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation.

5.2 Renewal applications process

In particular this Licensing Authority will consult with the following relevant public bodies and other interested persons:

1) Town Councils / Parish Councils / Councillors
2) Avon and Somerset Police (for Crime and Disorder issues)
3) Avon Fire and Rescue Service
4) South Gloucestershire Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the consent to be issued and type of vehicle or stall to be used)
5) South Gloucestershire Highways Department
6) Highways England
7) South Gloucestershire Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.)
8) South Gloucestershire Environmental Protection Team (Noise, odour, litter etc.).

9) South Gloucestershire Property Services.
10) The land owner (if the proposed street trading site is on private land)
11) South Gloucestershire Streetcare Team
12) South Gloucestershire Public Health Team

Renewal applications will be placed online for public consultation.

5.3 Transfer applications process

This Licensing Authority will consult with:

1) Avon and Somerset Police (for Crime and Disorder issues) only

Section 6 Determination of applications

Street Trading Consents from static locations will not normally be granted where:

1. 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
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. 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
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The trading site interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The trading site does not allow the consent holder, staff and customers to park in a safe manner, or
9. 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 the consent holder, staff and customers, or
10. The proposed trading site is located within a lay-by that, in the opinion of the Council, is unsuitable for street trading because it does not provide a safe environment for the consent holder, staff and customers, or where trading is likely to adversely affect highway safety or the safe and efficient movement of traffic.
11. The trading site is within 250 metres of another trading site.

In addition to Public Safety, Prevention of Crime and Disorder, Avoidance of Nuisance and Compliance with legal requirements, the Council may consider the product type, commercial need and local vibrancy where relevant to managing impact.

Where there is a conflict with any Traffic Regulation Order, a street trading consent will not be granted unless the trading activity meets an exemption outlined in Section 7 of the Local Government (Miscellaneous Provisions) Act 1976.

6.1 Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity may be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Anti-social Behaviour, Crime and Policing Act 2014
- Environmental Protection Act 1990
- Equality Act 2010
- Food Information Regulations 2014
- Food Premises (Registration) Regulations 1991
- Food Safety Act 1990
- Food Safety and Hygiene (England) Regulations 2013,”Regulation (EC) 852/2004”
- Health Act 2006
- Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
- Licensing Act 2003

6.2 Objections to the application

If objection/s are received against the granting of a Street Trading Consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Sub-Committee for determination.

Before such a referral is made Officers will assess the objection/s on the following criteria:

- **Public Safety and Highway Impact**
- **Public Nuisance**
- **Environmental and Amenity Impact**
- **Health and Hygiene Concerns (especially for food traders)**
- **Location Suitability**
- **Compliance History of the Applicant**
- **Operational Considerations**
- **Representations from Stakeholders**
  - Objections from residents
  - Objections from local businesses or traders
  - Comments from responsible authorities (e.g. police, highways, environmental health)

6.3 Consideration of application

An Officer will make every effort to liaise between the applicant and stakeholder to resolve any objections, within the consultation period. If no compromise can be found, the application will be referred to a Licensing Sub-Committee for consideration and determination of the application within 21 days of the consultation period ending.

The Licensing Sub-Committee and Officers on a delegated basis will use the criteria listed below in the determination of Street Trading Consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

It is expected that relevant public bodies and/or other interested persons making representations, attend hearings in order to answer questions and substantiate their comments. Failure to do so may result in the Sub-Committee not being able to give proper weight to the representations.

Public Safety and Highway Impact
Objections may be raised where a street trader's activities would obstruct pedestrian movement, including access for wheelchair users, prams, or emergency services. Consideration should be given to whether the stall, vehicle, or customer queuing would impede traffic flow, reduce visibility at junctions, or interfere with crossings, bus stops, or cycle lanes. Minimum pavement width requirements and general highway safety must be maintained at all times.

Public Nuisance
Street trading may give rise to public nuisance through excessive noise from generators, amplified music, or customer activity, particularly during early morning or late evening hours. Odours, fumes, smoke, or steam from cooking processes may adversely affect nearby premises or residents. Litter, food waste, and the potential for anti-social behaviour associated with the trading activity should also be considered.

Environmental and Amenity Impact
The visual appearance of the stall or vehicle, including signage and lighting, should be appropriate to the surrounding area. Objections may arise where street trading detracts

from the character or amenity of the location, particularly in conservation areas or near residential properties. Light pollution and general clutter may also negatively affect the local environment.

Health and Hygiene Concerns
For food traders, objections may relate to food safety and hygiene standards, including the adequacy of handwashing facilities, waste storage, and pest control measures. The availability of clean water, proper drainage, and safe food handling practices are essential to protect public health and prevent contamination.

Location Suitability
The suitability of the proposed location is a key consideration, including whether it is designated as a prohibited or restricted street under local policy. The cumulative impact of multiple traders in close proximity should be assessed, as well as the effect on pedestrian flow and local amenity. Proximity to sensitive locations such as schools, hospitals, or places of worship may also be relevant.

Compliance History of the Applicant
An applicant's previous conduct is relevant, including any history of non-compliance with street trading conditions, licensing requirements, or other regulatory controls. Past enforcement action, substantiated complaints, or repeated breaches may indicate a risk of future non-compliance.

Operational Considerations
The proposed days and hours of operation should be assessed to determine whether they are appropriate for the location. Objections may arise in relation to the size and layout of the stall or vehicle, storage arrangements when not trading, and the use of generators, gas, or other equipment that may pose safety or nuisance concerns.

Representations from Stakeholders
The views of local residents, businesses, and responsible authorities such as the police, highways authority, or environmental health are an important consideration. Objections from these stakeholders may highlight concerns regarding safety, nuisance, or policy compliance and can carry significant weight in the decision-making process.

6.4 Permitted Trading Hours

The Council will determine each application on its individual merit but generally will only permit street trading between 06.00hrs and Midnight (00.00hrs) on any one day. Any trading outside of these hours will have to be approved by the Council. Street trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the requirement to hold a premises licence under the Licensing Act 2003.

The applicant will be encouraged to submit contemporaneous applications under both licensing functions which will be considered on their own merit.

Section 7 Post consultation

The Council's Licensing Sub-Committee, or Officers on a delegated basis may approve applications meeting the criteria contained within these guidelines.

On approving the application the Council will issue a Street Trading Consent to which conditions will be attached. The Consent will also state specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading Consents, are shown at ***Appendix Two***. Additional conditions may be attached to the standard conditions if special circumstances apply to the Consent being granted by the Council.

The conditions attached to the Consent form part of the grant to carry out street trading in South Gloucestershire. They MUST be complied with at all times and failure to do so may result in the consideration of enforcement action.

All Street Trading Consent Holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading Consent and comply with the requirements.

7.1 Duration of a consent

Street Trading Consents will be granted for a maximum period of 12 months. Street Trading Consents can be renewed up to 12 weeks before the expiry date stated on the Consent.

In all cases when a Consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process stated in these guidelines.

Fees for all Street Trading Consents must be paid in full on submission of a complete application.

Payment can be made in online by credit or debit card (please note American Express cannot be accepted) or in the form of a cheque. ***The current fees and charges*** **will be available on the web site.**

Please note, if a cheque is dishonoured by the bank, this will result in the revocation of the Street Trading Consent granted by the Council unless payment of the outstanding fee is made by credit or debit card on the same working day of notification from this Licensing Authority.

7.2 Role of the Licensing Sub Committee

When considering a street trader application that has attracted objections, the role of the Licensing Sub-Committee is to act as an independent and impartial decision-making body. Its primary function is to determine the application on its individual merits, taking into account all relevant written and oral representations, the evidence presented, and the applicable legislation and local authority street trading policy.

The Sub-Committee must balance the rights of the applicant to trade against the need to protect the public, prevent nuisance, ensure public safety, and safeguard the amenity and character of the area. In doing so, it should carefully assess whether the objections are relevant, proportionate, and supported by evidence, rather than based on speculation or competition alone.

The Sub-Committee is responsible for deciding whether to grant, refuse, or grant the consent subject to conditions, ensuring that any conditions imposed are appropriate, enforceable, and directly related to the concerns raised. Its decision must be reasonable, consistent, and legally robust, demonstrating that all relevant factors have been considered and irrelevant matters disregarded.

Finally, the Sub-Committee must provide clear reasons for its decision, showing how it has weighed the evidence and applied policy and statutory considerations. This transparency is essential to ensure fairness to all parties and to enable the decision to withstand scrutiny or appeal.

7.3 Refusal of applications

Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application. The decision of the Licensing Sub-Committee is final.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Licensing Sub-Committee may though seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be felt necessary.

Where the fee has been paid with submission of a complete application, the fee will be refunded to the applicant in the case of an application being refused.

Section 8 - General Information on Street Trading Consents

8.1 Trading Unit Identification Plates

All trading units, vehicles, stalls, carts or other devices used for street trading, will be required whilst trading to display a valid trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the Street Trading Consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the Street Trading Consent Holder ceases to trade and surrenders his/her Consent.

8.2 Persons under the age of 17 years

The Council will refuse to grant a Street Trading Consent, where the consent to be granted would be in contravention of the Children and Young Persons Act 1933.

8.3 Access by Council and Police Officers

Street Trading Consent Holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. A Council Officer will carry with them and produce an authorisation identification card issued by South Gloucestershire Council.

If the Consent Holder has any doubts about a person claiming to work for South Gloucestershire Council shall ask to see the authorisation identification card. If you remain uncertain please contact the Council on 01454 868001 and ask to speak to the Licensing Team.

8.4 Street Trading Consents

The conditions attached to all Street Trading Consents state that a Consent Holder cannot underlet or sublet a Street Trading Consent.

Should a Consent Holder wish to transfer a current Street Trading Consent into another person's name, then a transfer application form will need to be completed with both parties signing it. The proposed new Consent Holder is also required to complete a Street Trading Consent new application form with the current hours in order to provide relevant information required.

Once the required transfer and new application forms, along with the relevant fee, are received by this Licensing Authority, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14 day consultation with the Police for the applications.

Please note, should the Police object to the transfer and new applications then the trader will be asked to cease trading until such time the application has been determined by a Licensing Sub-Committee.

In addition, should the new Consent Holder wish to operate under different hours to those currently stated on the Street Trading Consent, then a further new application will be required. Please note this would include a full consultation with the Responsible Authorities and Other Persons.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or trading hours will be permitted through the transfer process.

Should a Consent Holder wish to vary their trading hours, by extending them in some way, during the course of their existing consent period, then they will have to apply using the 'new' application form clearly specifying that the application is for a variation of trading hours only.

Full consultation in accordance with this policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

An application for extended hours will require a new application fee, as stated in the current fees and charges.

8.5 Change of Trading Unit process

Should a Consent Holder wish to change their trading unit (stall, van, cart, barrow etc.) during the period of their Street Trading Consent they must submit one colour photograph of the trading unit that will be used for the street trading activity.

This Licensing Authority will inform South Gloucestershire Council Health, Safety and Food Team (Food Hygiene Gas cylinders, dangerous article, substances etc.) of the change of trading unit.

8.6 Policy Review

This policy will be reviewed every five years, or sooner if legislative changes or regional alignment needs arise. A summary of revisions will be published following each review.

Section 9 Enforcement of Street Trading

South Gloucestershire Council will actively enforce the provisions of the Street Trading Policy within its district in a fair and consistent manner. In doing so all enforcement activities will comply with the Council Regulatory Enforcement Policy, and be in line with the Regulators Code as issued by the Department for Energy and Industrial Strategy (BEIS https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

The following principles will be adhered to when carrying out street trading enforcement:

- ***Proportionate*:** regulators should only intervene when necessary and remedies should be appropriate to the risk posed, and costs identified and minimised;
- ***Accountable***: regulators must be able to justify decisions, and be subject to public scrutiny;
- ***Consistent*:** rules and standards must be joined up and implemented fairly;
- ***Transparent*:** regulators should be open, and keep regulations simple and user friendly; and
- ***Targeted**:* regulation should be focused on the problem and minimise side effects.

Complaints against the Service

South Gloucestershire Council is committed to delivering high-quality services. If you are dissatisfied with any aspect of the service provided, you have the right to make a complaint. Complaints can be made via the Council's official contact channels, including online forms, email, telephone, or in writing.
The Council uses complaints as an opportunity to improve service delivery and prevent recurrence of issues.

Data Protection

The Licensing Service will process personal data in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018, and the Council's current Data Protection and Records Retention policies. Personal information provided as part of the administration and enforcement of street trading consents will be processed lawfully, fairly and securely, and retained only for as long as necessary in accordance with the Council's retention schedule.

Appendix One

Policy for determining the Relevancy of Criminal Convictions in relation to Street Trading Consents

Applications

1. When submitting an application for the grant or renewal of a Street Trading Consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation, howsoever or wheresoever arising, which have resulted in neither an absolute discharge nor a conviction or caution.

Public Safety

2 This Licensing Authority's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex- offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re- offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.

1. Applicants demonstrating either or both of these will not normally be issued a consent by this Licensing Authority.

2. Before, this Licensing Authority makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.

3. This Licensing Authority may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon this Licensing Authority establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.

4. This Licensing Authority will in all cases verify the applicant's identity and require a basic criminal record check or subject access check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, this Licensing Authority will consider these carefully on the basis of:-
    - How relevant the offences were to the type of consent applied for
    - The relative gravity of the offences committed and
    - How recent they were

5. This Licensing Authority will consider all unspent convictions with further attention given to criminal offence involving:-
    - Dishonesty
    - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
    - Drugs including cultivation, sale, supply or the recreational use thereof
    - Sexual offence

6. A basic criminal record check or subject access check is required upon application and thereafter every three years.

7. This Licensing Authority reserve the right to seek intelligence from all 'appropriate sources'.

8. Applicants with relevant offences (see list below) or cause for concern will be referred to the Licensing Sub-Committee for determination.

9. Existing holders of a Street Trading Consent will be required to notify this Licensing Authority, in writing, within five working days of receiving a criminal conviction (including cautions).

10. Any applicant who is refused a Street Trading Consent, does not have the right to appeal to the Courts. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.

11. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council, or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

12. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading Consent, although further consideration of the application should be required, having regard to the circumstances of the offence.

13. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

14. As a Street Trading Consent Holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.

    NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

15. As a Street Trading Consent Holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

16. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

17. Street Trading Consent Holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become ''fair game'' for an unscrupulous street trader.

18. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Rehabilitation of Offenders Act

Other than as stated above in sections 1 to 18 of this appendix, this Licensing Authority will take account of the following tables as stated in the Rehabilitation of Offenders Act 1974 (as amended 2012) when determining applications.

Sentence – Adult (18+) when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 7 years	(2)
	More than 6 months and less than (or equal to) 30 months	10 years	Sentence + 4 years	(3)
	Less than (or equal to) 6 months	7 years	Sentence + 2 years	(4)
Sentence of detention (over 6 months but not exceeding 30 months)		7 years	As prison sentences	(5)
Sentence of detention (6 months or under)		5 years	As prison sentences	
Removal from Her Majesty's Service		7 years	1 year	(6)
Service detention		5 years	1 year	(7)
Community order		5 years	12 months	(10)
Fine		5 years	1 year	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years / 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Caution, warning, reprimand		None	None	(14)

Sentence – Under 18 when convicted		Current period	New period	Notes
Prison (1)	Over 4 years	Never	Never	
	More than 30 months and less than (or equal to) 4 years	Never	Sentence + 3.5 years	(2)
	More than 6 months and less than (or equal to) 30 months	5 years	Sentence + 2 years	(3)
	Less than (or equal to) 6 months	3.5 years	Sentence + 18 months	(4)
Detention and Training Order (over 6 months)		5 years (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Detention and Training Order (6 months or less)		3.5 yrs (15+ at conviction) or 1 year after order ceases (12-14)	As prison sentences	
Sentence of detention (over 6 months but not exceeding 30 months)		5 years	As prison sentences	(5)
Sentence of detention (6 months or under)		18 months	As prison sentences	
Removal from Her Majesty's service		3.5 years	6 months	(6)
Service detention		2.5 years	6 months	(7)
Community order		2.5 years	6 months	(10)
Youth Rehabilitation Order		Longer of 1 year / end of the order	6 months	(11)
Fine		2.5 years	6 months	(8)
Compensation order		Once paid in full	Once paid in full	(9)
Hospital order		Longer of 5 years/ 2 years after the order ceases to have effect	End of the order (12)	(13)
Conditional discharge, binding over, care order, supervision order, reception order		Longer of 1 year after making of order, or 1 year after it ends	End of the order (12)	
Absolute discharge		6 months	Spent immediately	
Disqualification		End of disqualification	End of disqualification	
Relevant order		End of the order	End of the order (12)	
Conditional cautions		Once conditions end	Once conditions end	
Youth caution, warning, reprimand		None	None	(14)

Appendix Two

STREET TRADING CONSENT CONDITIONS

GENERAL CONDITIONS

1. The Consent Holder (which expression where appropriate includes joint holders of this Consent) and any person employed by him to assist him in his trading, shall produce the Consent on demand when so required by a duly authorised officer of South Gloucestershire Council, or by a Police Officer.

2. A copy of this Consent shall kept onsite by the holder and available for inspection by an authorised Officer of the Council, or a Police Officer.

3. The Consent Holder shall notify the Licensing Service of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, within 5 working days.

4. The Consent Holder shall not sublet or underlet this Consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.

5. The Consent Holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.

6. Nothing contained in these conditions shall relieve the Consent Holder or his/her employees or agents from any legal duty or liability and the Consent Holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this Consent

7. 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.

8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the street trading activity.

9. The Council may vary, with written reasoning, the Conditions attached to the Consent at any time.

10. The identities of all persons working on the street trading unit shall be notified to the Council and all such persons will wear an identification badge.

11. If public toilets are not readily accessible from the street trading site, the Consent Holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.

12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the Consent Holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.

13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.

SITE CONDITIONS

14. The Consent Holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the Consent Holder, and any persons employed in the street trading activity. The sanitary accommodation arrangements shall be approved in writing by this local authority.

15. The Consent Holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the trading site.

16. The Consent Holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.

17. Advertisements or other notices must not be placed outside of the immediate 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 to 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 in writing from the Council.

18. The Consent Holder 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.

19. The Consent Holder shall keep the trading site and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.

20. The Consent Holder shall provide and maintain at their own expense adequate refuse receptacles for litter.

21. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved manner.

22. The Consent Holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

TRADING CONDITIONS

23. The Consent Holder shall not carry out street trading activities other than those permitted by the Consent.

24. The Consent Holder shall not trade outside the time and days permitted by the Consent.

25. The Consent Holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a valid street trading identification plate that has been issued by the Council.

26. The Consent Holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.

27. The Consent Holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.

28. The Consent Holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.

29. The Consent Holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.

30. Static street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

31. Any Consent Holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:

    (a) Obtain written permission from the Council
    (b) Provide the name, age and address of the assistant

32. The Consent Holder shall at all times conduct their business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and Consent Holders.

LEGAL PROVISIONS

33. Nothing contained in these conditions shall relieve or excuse the Consent Holder or his/her employees or agents from any legal duty or liability.

34. At all times the Consent Holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.

REVOCATION OR SURRENDER OF CONSENT

35. The Consent may be revoked, with written reasoning, by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of the revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.

36. The Consent Holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the Consent.

38. The Consent Holder shall return the Paper Street Trading Consent to the Council immediately on revocation or surrender of the Consent.

39. A Consent Holder who is found and proven to be employing an illegal immigrant will have the Consent immediately revoked with written reasoning. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a Consent.

40. In the event of a Consent Holder having the Consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of revocation.

MOBILE TRADING CONSENT – Additional Conditions

41. This Consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.

42. Mobile units may sound chimes but not:-

1. For longer than 4 seconds at a time;
2. More often than once every 3 minutes;
3. When the vehicle is stationary;
4. When the vehicle is moving, except on approach to a selling point;
5. When in sight of another vehicle which is trading;
6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship);
7. More often than once every 2 hours in the same length of street;
8. Chimes must not be louder than 80dB(A) at 7.5m; and
9. Chimes must not be sounded before 12 noon or after 19:00 hours.

BLOCK TRADING CONSENT- Additional Conditions

43. Block consent applications will require colour photographs covering the entire trading area the consent is being applied for.

44. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.

45. A list of all the traders to be covered by the block consent must be provided as individual consents will be issued to them.

46. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the South Gloucestershire Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes: (c) Any road, footway, beach or other area to which the public have access without payment. (d) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street	Means a street in which street trading is prohibited without the consent of the district council.
Authorised Officer	Means an officer employed by South Gloucestershire Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

THIS CONSENT DOES NOT:

1. Permit trading outside the terms of the Consent
2. Indicate that planning permission is not required, Please note:

   (a) That the requirement to obtain planning permission applies to all streets, whether they have been designated Consent Streets or not.

   (b) That the grant of one or more Street Trading Consents does not give the trader exemption from planning controls.

   (c) The Council has discretion whether or not to enforce planning laws in relation to street trading.

3. Indicate that the trading unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

Appendix Three - Street Trading Consents Fees & Charges

The current fees and charges that apply to the Street Trading licensing function are currently stated on the South Gloucestershire Council website, https://www.southglos.gov.uk/business/licences-and-street-trading/licensing-service-fees-charges/, please click on 'Licensing fees and charges'.

The fees and charges are reviewed annually by the Regulatory Committee and are re-published for 1st April or at the earliest opportunity after this date each year.

The Committee are advised during the annual review that Licensing fees and charges are set to ensure that the full cost of providing a service is met by the fees charged for licences and other authorisations, but also aim to ensure a cost-neutral service where no surpluses or deficits are made.

Appendix Four – Policy Consultees

The Authority intends to consult the following on the content of this Street Trading Policy and Application Guidelines:

- Current holders of existing consents who will be affected by the provisions of the Act and local policy
- Chief Officer of Police (as listed in policy)
- Relevant public bodies and other interested persons (as listed in policy)
- South Gloucestershire Clinical Commissioning Group, Corum2, Corum Office Park, Crown Way, Warmley, South Gloucestershire, BS30 8FJ, E-mail: contactus@southgloucestershireccg.nhs.uk
- Jack Lopresti MP, Office 29, The South Block, The Courtyard, Woodlands, Bradley Stoke, BS32 4NQ, E-mail: jack.lopresti.mp@parliament.uk
- Luke Hall MP, 30 High Street, Thornbury, BS35 2AJ, E-mail: luke.hall.MP@parliament.uk
- Chris Skidmore MP, 47 High Street, Kingswood, BS15 4AA, E-mail: chris.skidmore.mp@parliament.uk
- Elected Members of South Gloucestershire Council
- South Gloucestershire Town and Parish Councils
- South Gloucestershire Chamber of Commerce - Economy & Skills Partnership and Business Networks (abdul.choudhury@southglos.gov.uk)
- Residents Associations – SSCG's and Priority Neighbourhoods, (CommunityEngagement@southglos.gov.uk)
- Housing Associations (as part of HomesWest South Gloucestershire) – (kerry.cox@southglos.gov.uk), (claire.wood@southglos.gov.uk)
- South Gloucestershire Citizens Advice Bureau, Kennedy Way, Yate, BS37 4DQ, E-mail: bureau@sgloscab.cabnet.org.uk