Street Trading Policy

January 2018
DEFINITION OF STREET TRADING

The Local Government (Miscellaneous Provisions) Act 1982 defines ‘Street Trading’ as the selling or exposing or offering for sale of any article (including a living thing) in a street.

Street trading involves the actual sale of goods, and not just an agreement to sell goods, i.e. the goods need to be physically present and title in the property must pass as part of the contract transacted between the trader and the buyer.

Exemptions from street trading are:

1. Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a news vendor.
5. Trading which is carried on at premises used as a petrol filling station.
6. Trading in a street immediately adjoining a retail shop premises as part of the business of the shop.
7. Selling things, or offering or exposing them for sale, as a rounds-man.
8. The use for trading under Part VIIA of the Highways Act 1980 on a highway such as pavement cafes which are subject to separate guidelines and policy.
9. Activities authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 for charitable or benevolent purposes.

Schedule 4 of the 1982 Act defines a street as any road, footway, beach or other area, including private land, to which the public have access at any time without payment.

Hull City Council has designated all streets within Hull as ‘consent streets under the 1982 Act. A ‘consent street’ is a street in which street trading is permitted if a consent issued by the local authority has first been obtained.

Hull City Council is under no obligation to grant any street trading consent and need not specify reasons for refusal, however if an application is refused reasons will be given although there is no right of appeal.

There is no obligation on the Council to renew, on application, an existing consent and any consent issued by the Council may be revoked at any time.
1. INTRODUCTION

1.1 Hull is a Fair Trade City and the City Centre is home to a wide variety of exceptional public spaces, from iconic public squares to bustling shopping streets and green spaces, all of which have something different to offer. Street activities are an essential ingredient of a vibrant and lively city, provide diversity of shopping opportunities and add character to the area in which they are located.

1.2 This policy sets out Hull City Council’s framework for the management of street trading in Hull in accordance with the Street Charter. Through the provision of street trading consents the Council aims to regulate the location and number of street traders. The policy also aims to prevent the obstruction of the streets of Hull by street trading activities. In doing so, it recognises the importance of these types of businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause a nuisance or danger to the people in the area.

1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents and the policy will be subject to continuous review and the Council may make revisions to it at such times, as it considers appropriate.

1.4 The Licensing Authority also considers applications for Pavement Café Licences and does so in accordance with its separate policy.

1.5 This policy supports the Council’s undertaking to avoid duplication with other statutory provisions and its commitment to work in partnership with other enforcement agencies.

1.6 For the purpose of this policy, the areas designated for street trading within the city will be comprised of two zones. An ‘Inner Zone’ containing the City Centre as indicated on the plan at Appendix A, and an ‘Outer Zone’ including all other areas within the Authority boundary.

1.7 Design Guidance in respect of vehicles, trailers or stalls are shown at Appendix B and the applicant will be informed of any Design Brief that relates to the location specified in their application.

2. CONSULTATION

2.1 In determining this policy, the Council has consulted the following people and bodies:

- Humberside Police
- Humberside Fire and Rescue Service
- Area Committees
- Hull Bid
- All current consent holders
- The general public
2.2 We have also consulted various other partners and stakeholders within the Council. These include:

- Planning
- Network Management
- Public Protection (Food Safety and Environmental Regulation)
- Hull Events
- Major Projects and Infrastructure
- Legal Services

3. DETERMINATION OF APPLICATION

3.1 The Council’s Licensing Committee will consider all applications for street trading.

3.2 The Council will consult with:

- Ward Councillors;
- Humberside Police;
- Relevant Council Services including Network Management, Planning, Environmental Health, Hull Events;
- Cabinet Portfolio Holder for Environment and Transport
- Any other stakeholder considered to be relevant to the application.

3.3 The Licensing Committee will consider any responses received and the application will be assessed against the relevant criteria below together with the Design Guidance and any relevant Design Brief.

3.4 In considering applications for the grant or renewal of a street trading consent in both the Inner and Outer Zones the following factors will be taken into account when assessing the suitability of a location:

3.4.1 Public Safety
Whether the site and/or activity applied for represents, or is likely to represent, a substantial risk to the public, through obstruction, fire hazard, hygiene issues or any other danger that may occur;

3.4.2 Public Order
The proposed site and/or activity applied for must not create or contribute to the creation of a substantial risk to public order;

3.4.3 Public Nuisance
Whether the site and/or activity applied for represents, or is likely to represent a substantial risk to public nuisance through noise or misbehaviour particularly in residential areas;

3.4.4 Appearance of the Stall, Trailer or Vehicle
The stall, trailer or vehicle must be of a smart appearance and meet such criteria as may be laid down in the consent conditions and must consistent with the Design Guidance and any relevant Design Brief. Photographs or
drawings must be provided with all new applications and variations to replace the stall, trailer or vehicle.

3.4.5 The Needs of the Area
There must be a demand for the articles for sale and the location of the site and they must accord with any Design Brief for the location. The number of traders permitted in any one street shall be restricted in accordance with any Design Brief to ensure that the permitted use is complementary to and does not conflict with the requirements of each area.

3.4.6 Food Traders
Applicants who intend to trade in hot or cold food must provide evidence that the business is registered as a Food Business Operator with the Council’s Public Protection Food Safety Section. Any new business that is not registered at the time of application must successfully complete registration before commencing trading under any consent.

3.4.7 Highway
The location and permitted times will be set so as to minimise any obstruction of the highway.

3.4.8 Advertisements
Any advertisement of the business or any other business must be in accordance with the requirements of the Planning Authority, the Design Guidance and any Design Brief for the location.

3.4.9 Trading on Private Land
In order to trade on private land (including car parks, or other areas within the definition of street) within the city of Hull, written permission from the landowner must be submitted with the application.

4. INNER ZONE CONSIDERATIONS

4.1 The Licensing Committee will consider all applications for street trading in the Inner Zone having regard to the Council’s City Centre Public Spaces Strategy.

4.2 This Policy seeks to support the Strategy in ensuring that the street trading on offer is of a good quality which adds to the City Centre, potentially offering goods not readily available from shops and that the quality of the trading units adds positively to the character and ambience of the street.

4.3 Street traders can add considerably to the vibrancy of the city centre and are welcomed and encouraged. There is a desire to move towards a concentration of locations which would allow for enhanced clustering or zoning of street traders, thus creating a ‘street market’ feel and more of a destination in its own right.

4.4 The strategy has identified the following streets as preferable for permanent street trading:
Paragon Station Interchange (outside of canopy);
South Street (North)
King Edward Street (South)
King Edward Street (North)
Jameson Street (East)

4.5 The following streets have been identified as unsuitable for permanent street trading and will not be considered for permanent street trading:
Paragon Square
King Edward Square
Queen Victoria Square
Trinity Square
Whitefriargate
Princes Dock Street
Humber Dock Street
Humber Street
Humber Place
Nelson Street
Queens Gardens
The Rose Bowl

4.6 A plan detailing the above areas is shown at Appendix C. All application made for streets that are not listed above will be considered on individual merit.

5. OUTER ZONE CONSIDERATIONS

5.1 All applications for street trading in the Outer Zone will be considered on individual merit.

6. INFORMATION TO ACCOMPANY APPLICATION

6.1 An applicant for the grant of a new street trading consent shall provide a copy of a map clearly showing the proposed location of the street trading site. The map will clearly indicate the precise location of the site. If the applicant intends to trade on private land then the written permission of the landowner must be provided with the application.

6.2 Photographs or drawings of the stall, trailer or vehicle must be provided with all new applications and variations where the stall, trailer or vehicle is being replaced or modified.

If the trader intends to offer a mobile round then the application must detail the exact streets that the applicant intends to visit; general locations will not be accepted. An indication of length of time intended to be spent at each stop will also be required.

7. TRANSFERS

7.1 A street trading consent is personal to the holder and cannot be transferred or sold to another person.
8. SUB-LETTING

8.1 The sub-letting of a consent site is prohibited.

9. DECISIONS

9.1 Applications will be checked for compliance with the Street Trading Policy and a Licensing Officer recommendation to either refuse or give consent will be made on that basis.

9.2 Each application will be determined by the Licensing Committee on its own merits and all information attached to the application will be considered. As soon as possible after the determination of the application, the applicant will be notified in writing of the decision.

10. RENEWAL

10.1 Street trading consents expire on 31 March each year. Any application for renewal must be determined before that date. If the consent is not renewed by that date, trading is not permitted until a new consent has been granted.

11. SPECIAL EVENTS

11.1 In order to promote special events such as Continental Street Markets or Community Events, the Council will issue one consent to the organiser of the event rather than for each individual trader.

12. FEES

12.1 Fees will be reviewed annually on a full cost recovery basis. Street trading fees are invoiced quarterly in advance. Consents are issued annually for the period 1st April to 31st March, unless granted for a reduced period. The current fees for street trading are available on the Council’s website or can be obtained from the Licensing Section.

12.2 Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than three months.

12.3 An application for a street trading consent must be accompanied by the current administration fee per application. If the application is refused the administration fee will not be refunded. The current administration fee for street trading is available on the Council’s website or can be obtained from the Licensing Section.

13. CONDITIONS
13.1 All consents are granted subject to standard conditions, (shown at Appendix D). These are not exhaustive and further special conditions may be added to a consent on a case by case basis.

14. ENFORCEMENT

14.1 The Council will actively enforce the provisions of Street Trading legislation within its area. All enforcement activities will be carried out in accordance with the Council’s Enforcement Policy.

15. CONTACT

15.1 Contact details for Street Trading:
Licensing Section
Hull City Council
Public Protection
33 Witham
Hull
HU9 1DB

Email: Licensing.Requests@hullcc.gov.uk
Phone: 01482 300300
Purpose of this guidance
This is to complement the Street Trading Policy criteria used to determine an application, in particular the “Appearance of the Stall, Trailer or Vehicle” (Section 3 of the Street Trading Policy main document).

This guidance is needed to ensure that the Street Trading Policy is aligned with the aims and design standard requirements set out in the authority’s Local Plan and City Centre Public Spaces Strategy, which reflect the ambitions of the city set out in the City Plan, in particular, “to become a world-class visitor destination”. The recent large scale public realm investment in the City Centre together with the City of Culture 2017’s busy programme of events have transformed the vitality of the city centre and provided the momentum to achieve the city’s ambition.

Street traders are welcome as they contribute to this vitality. While the traders benefit from this high quality urban setting and the associated increase in visitors, their trade should contribute to this quality and not detract from it.

Street Trader Zones
For the purpose of Street Trading, the City is split into two zones, an ‘Inner Zone’ which comprises Hull City Centre and an ‘Outer Zone’ which includes all other areas within the City Boundary. A map of the Inner Zone can be found at Appendix A of the Street Trading Policy

The Inner Zone
The Policy identifies the following streets as preferable for permanent street trading:

1. Paragon Station Interchange (outside of canopy);
2. South Street;
3. King Edward Street (South);
4. King Edward Street (North); and
5. Jameson Street (East).

These are shown in more detail in Fig.1 below.
Who does this apply to?
This guidance applies to stand-alone street traders (i.e. not integral part of an event or market) who apply for a license to trade with a **vehicle, trailer/cart/barrow or portable stall** (all referred to as a ‘unit’ in the guidance) from a specific site within the City Centre.

How is this guidance applied?
The guidance is to be considered by the Licensing Committee when making decisions on applications for street trading from a specific site within the Inner Zone. The guidance is not a strict requirement but is to help the decision makers assess the impact of the application on the character of the street scene and area. Applicants are advised to follow the guidance in order to achieve a successful application outcome.
Design criteria

1. Main principle:

   The stall, trailer, or vehicle to be used under a street trading licence or consent will be of a **high quality design and build, clean and in excellent condition, and will complement the character of the street scene.**

2. Style and colour:

   The **style can be modern or traditional** as long as the unit is of high quality design, clean and in excellent condition. A stylish/high quality design can get away with any colour but as a general rule, in order to minimise detraction from the wider street scene, **fluorescent and saturated colours should be avoided.**

   A **sense of fun** is encouraged, in particular, through imaginative design. **Vintage vehicles and trailers that are refurbished to a high standard are strongly supported** as they combine both **fun and character** and will add character to the street scene.

   Mobile trading vans must have a **side and/or rear hatch** to serve customers.

3. Massing (shape and size) and impact on important views

   As a guide, it is preferable that the unit **does not exceed 4.5m in length, 2.5m in height and 12m² total area.**

   A **self-contained unit is preferable to a spread of display** e.g. display boxes, unless they are limited in number, arranged neatly and within the dimensions indicated above.

   All display should be at a **reasonable height** (as a guide, a minimum of 0.5m) and should **not be laid on the floor.** This is to avoid trip hazards.

   The location and position of the unit **should not block important views in the city centre** e.g. view towards Queen Victoria Square and King Edward Square from surrounding streets **or obstruct movement along the street.** Fig.1 below shows the views to be protected. The impact on the views will depend on the shape and size of the unit e.g. a stall without any wall will enable a see-through view and the length of a van positioned along the view as opposed to a perpendicular position will avoid blocking the view.
4. Access

The unit design should ensure the unit is fully accessible for all customers to buy the goods / use the service offered and does not obstruct movement along the street. Units should remain within allocated location; this is to comply with the Street Charter.

5. Signage and floor

The unit must be clearly identifiable as a trader and the signage will be limited to the name of the stall, the type of product sold and a simple price list.

Sign writing and scrollwork must be finished to a standard acceptable to the City Council.

Advertisements on stalls will be subject to advertisement consent where necessary.

The use of advertising ‘A’ boards is not allowed in accordance with the Street Charter.

No flooring should be laid out on the street (e.g. fake grass, vinyl)
Examples of acceptable designs:

- Modern, simple, functional stalls with umbrellas, canopies or awnings.
- New/recent or refurbished vintage handcarts, barrows or tricycles.
- Small trading van or trailer with side hatch to serve customers.

Examples of unacceptable design:

- Large or/and over-dominant unit
- Badly maintained stall or vehicle e.g. dirty vehicle or with flicking paint, dirty or discoloured awning/canopy
- Poorly looking unit e.g. with untidy cardboard signs, overly large lettering for prices.

Poor signage giving an overall low quality appearance  
Source: getreading.co.uk
6. **Electricity connection**

When electricity connection is required, silent running generators are encouraged but stand-alone generators, placed on the street, are not allowed. This is to protect the amenity of local residents and businesses, and, overall, to maintain the character and attractiveness of the street.

7. **Process:**

**Photographs and drawings** must be submitted as part of the application (or any variation to replace a unit). Drawings **must include dimensions and exact location and orientation** of the unit within the street.

Applicants are encouraged to seek advice from the Council as to their choice of unit prior to purchase or submission of an application. No expenditure on units or equipment should be made until the Council has granted consent and the unit design has been approved.

Application forms and full Policy on Street Trading are available on Hull City Council website at:
Ctrl+Click [hull.gov.uk/business/licences-and-permits/street-trading](hull.gov.uk/business/licences-and-permits/street-trading)
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1. No street trading shall be allowed except from a stationary properly constructed portable stall, or properly equipped vehicle/trailer specified in the Application for Consent.

2. The trader shall not trade from suitcases or trays.

3. No flashing lights or bright lights should be attached to vehicles, trailers or stalls.

4. The name and home address of the trader shall be legibly displayed at all times on the stall, trailer or vehicle or on a board attached thereto in letters not less than 38mm high.

5. The Certificate of Consent shall be displayed on the stall, trailer or vehicle at all times, and the trader shall only sell the commodities specified in the Consent during the times, on the days and at the site specified in the Consent.

6. The trader shall keep the site in a tidy condition and free from nuisance or danger. A suitable receptacle for refuse shall be provided by the trader.

7. All refuse shall be removed by the trader from and near the approved site at the end of each day's trading.

8. The stall, trailer or vehicle shall be removed from the site at the end of each working day.

9. Any stall, trailer or vehicle used for cooking food, (other than chestnuts) shall be provided with a suitable fire extinguisher, and the trader shall comply with the relevant Food Hygiene Regulations.

10. The trader shall not cause or permit any unnecessary obstruction on the highway.

11. This Consent will not apply during periods when the road is closed for special events.

12. The trader will move the stall or vehicles when required to do so by a Police Officer or Authorised Officer of the council.

13. The identification plate provided by the Council shall be displayed on the rear of any trailer or vehicle in a clear upright position. The identification plate remains the property of the Council.

14. Identification badges, provided by the Council, must be worn by all persons involved with the running of the stall, trailer or vehicle.

15. The consent fee will be paid by the Consent Holder by quarterly instalments in advance, failing which the Consent will be revoked.

16. The trader shall comply with any other special condition referred to in the Consent.

17. This Consent to Trade is not transferable to any other person.

18. Should no suitable paved / hardened area exist at the location of the agreed trading site or it be desirable to place tables and chairs at the location on the footway/verge, authorisation for the works/consent required must first be obtained from the Licensing Section.