

Appendix 3



Street Trading Policy

**October
2022**

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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 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 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 the revision of this policy, the Council is mindful of previous consultations with 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 in the past consulted various other partners and stakeholders within the Council. These include:

- Network Management
- Public Protection (Food Safety and Environmental Regulation)
- Hull Events
- Major Projects and Infrastructure
- Legal Services
- Equalities or Access Officer

3. DETERMINATION OF APPLICATION

3.1 The Council's Planning Committee will consider as necessary applications for street trading. Decisions can be made by the Head of Planning and Assistant Director of Economic Development and Regeneration based on all relevant and appropriate policies including those within the Hull Local Plan 2016-2032.

3.2 The Council will consult with:

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

3.3 Officers and/or the 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 be 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. Consideration will also be taken as to whether the consent will add or have a negative impact on the vibrancy and viability of the surrounding street scene.

3.4.5 Economic Impact

Impact on existing businesses and business premises within the vicinity of the site.

3.4.6 Local Plan

The suitability of the site will be assessed in accordance with the policies of the Local Plan and accompanying Supplementary Planning Documents. Such sites should be accessible to disabled people or managed in a way that is.

3.4.7 Furniture

Furniture such as tables, chairs, barriers and parasols should be of high quality, of a uniform style and designed for outdoor commercial use. Furniture must be kept within the limits of the area.

3.4.8 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 to ensure that the permitted use is complementary to and does not conflict with the requirements of each area. The character and appearance of the street will also be considered taking reference from the policies within the Local Plan.

3.4.9 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.

3.4.10 Highway

The location and permitted times will be set so as to minimise any obstruction of the highway. It is a priority to ensure there is not a negative impact on pedestrians particularly those with disabilities. Safety should be properly considered in respect of these matters.

3.4.11 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. Reference will also be made to policies and Supplementary Planning Documents to ensure there is not a growth in advertisements which could lead to clutter which is detrimental to visual amenity. No 'A' boards should be displayed with the associated site.

3.4.12 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 All applications for street trading in the Inner Zone will have regard to the Council's City Centre Public Spaces Strategy as well as the Local Plan 2016-2032.
- 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. It should be noted that the retail market is undergoing change and therefore the character of shopping streets is also likely to change in the future and therefore Street Trading Consents will need to be considered taking into account the new environment.
- 4.4 The strategy has identified the following streets as preferable for permanent street trading:
King Edward Street (South)
King Edward Street (North)
Jameson Street (East)
- 4.5 All other streets have been identified as unsuitable for permanent street trading and will not be considered for permanent street trading.
- 4.6 A plan detailing the above areas is shown at **Appendix C**.

5. OUTER ZONE CONSIDERATIONS

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

6.0 FOOTBALL/RUGBY STREET TRADING

- 6.1 Street Trading is restricted around the MKM arena and also the Hull College Craven Park Arena and any trader wishing to trade within the areas stipulated on the plans attached of either ground on match days will be required to apply for a football/rugby street trading consent. The goods to be sold by the trader would be restricted to be of a Football and/or Rugby nature and explicitly excludes Food and Beverages being served.
- 6.2 A plan indicating the radius of MKM Stadium is attached as Appendix E -Plan 1- MKM stadium..

- 6.3.1 A plan indicating the radius of Hull College Craven Park Arena is attached as Appendix E- Plan 2- Hull College Craven Park Stadium..
- 6.4 Granted stadia consents will be permitted to trade at all 1st team home fixtures, friendly's and internationals for 4 hours prior, during and up to one hour after each fixture for that particular ground.
- 6.5 Restrictions have been placed on the number of consents that are issued at each stadium to avoid over-crowding, congestion and conflict between traders.
- 6.6 The following indicates the maximum consents permitted around both grounds.
- * MKM Arena - 5 consents.
 - * Hull College Craven Park Arena - 5 consents.
- 6.7 Additional consents beyond the aforementioned numbers may be granted if the applicant can demonstrate that the unit will be a minimum of 50 metres away from any other current consent holder and that the consent site applied for does not cause any obstruction, to footpaths or exit routes from the stadia.
- 6.8 Consents may be restricted to trading prior to fixture on advice of the Police.
- 6.9 Applicants must follow the application procedure as detailed within the policy.
- 6.10 Applications will be consulted on in the normal way within the 28 day period. Applicants are advised to contact Parks and Open Spaces team of the city council as well as Highways before submitting their application to discuss any issues which may arise. The administrative fee for an application is £35.70 with an additional fee per game of £25.00 which should be paid no longer than 48 hours prior to any game. The fees can either be paid via dev.control@hullcc.gov.uk or by telephone on 01482 612345.

7. INFORMATION TO ACCOMPANY APPLICATION

- 7.1 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.
- 7.2 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.

8 TRANSFERS

- 8.1 A street trading consent is personal to the holder and cannot be transferred or sold to another person.
- 8.2 However, in circumstances where a site has been formally surrendered, the site may be applied for by making a new application. Consents can only be surrendered in writing, and all documents issued relating to the consent must also be relinquished.

9 SUB-LETTING

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

10 DECISIONS

- 9.1 Applications will be checked for compliance with the Street Trading Policy and the relevant policies of the Local Plan 2013-2032 and the Officer recommendation to either refuse or give consent will be made on that basis.
- 9.2 Each application will be determined 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.

11 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

12 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.

13 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 Planning Enforcement and Policy Implementation 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 Planning Enforcement and Policy Implementation Section.

14 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

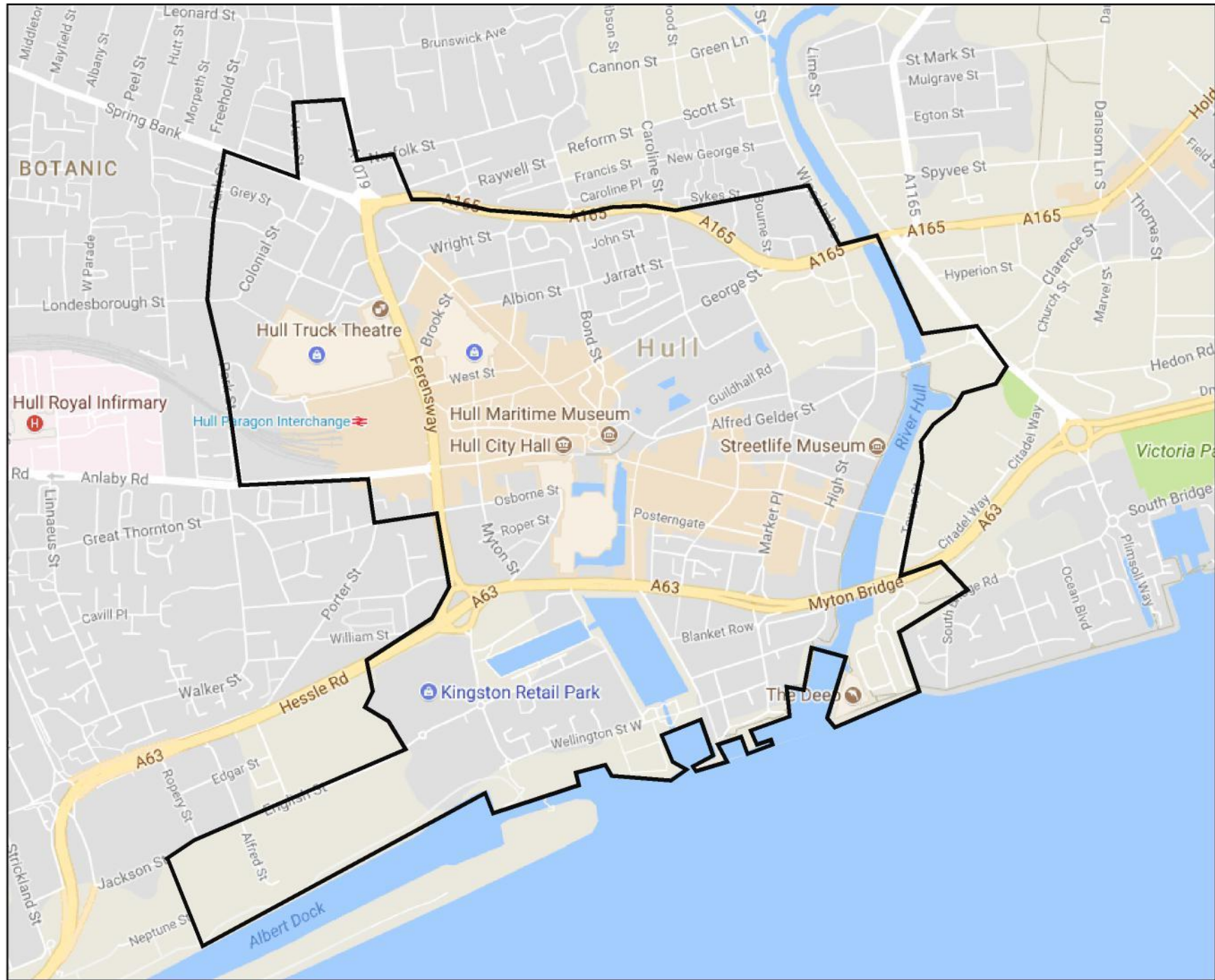
14.1 The Council will actively enforce the provisions of Street Trading legislation within its area. All enforcement activities will be carried out in accordance with the Council's Enforcement Policy.

15. CONTACT

15.1 Contact details for Street Trading:
Planning Enforcement and Policy Implementation Section
Hull City Council
2nd Floor
The Guildhall
Alfred Gelder Street
Hull
HU1 2AA

Email: dev.control@hullcc.gov.uk

Phone: 01482 612345



**STREET TRADING
POLICY
APPENDIX A
INNER ZONE
HULL CITY CENTRE**

Design guidance for street trading in Hull City Centre

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 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 C of the Street Trading Policy

The Inner Zone

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

1. **King Edward Street (South);**
2. **King Edward Street (North); and**
3. **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 delegated officers and the Planning 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 detracting 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.

0. 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.

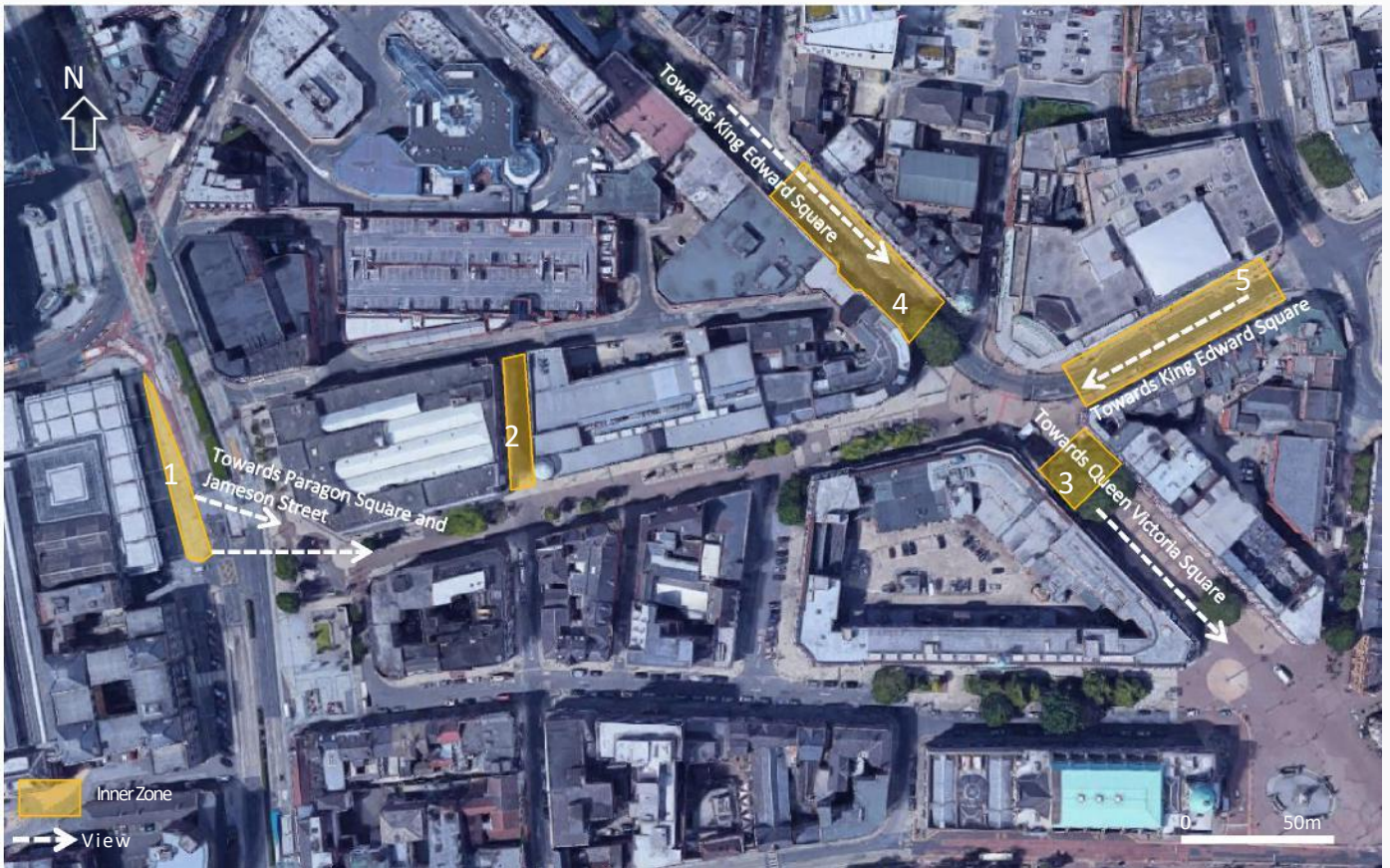


Fig.1: Map of important views to be protected within the street trading Inner Zone

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



Handcart in a pedestrianised area

Source: lastenrad.vcd.org © coffee-bike



Refurbished vintage mini van

Source: Pinterest

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



Too large

Source: Pinterest



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.

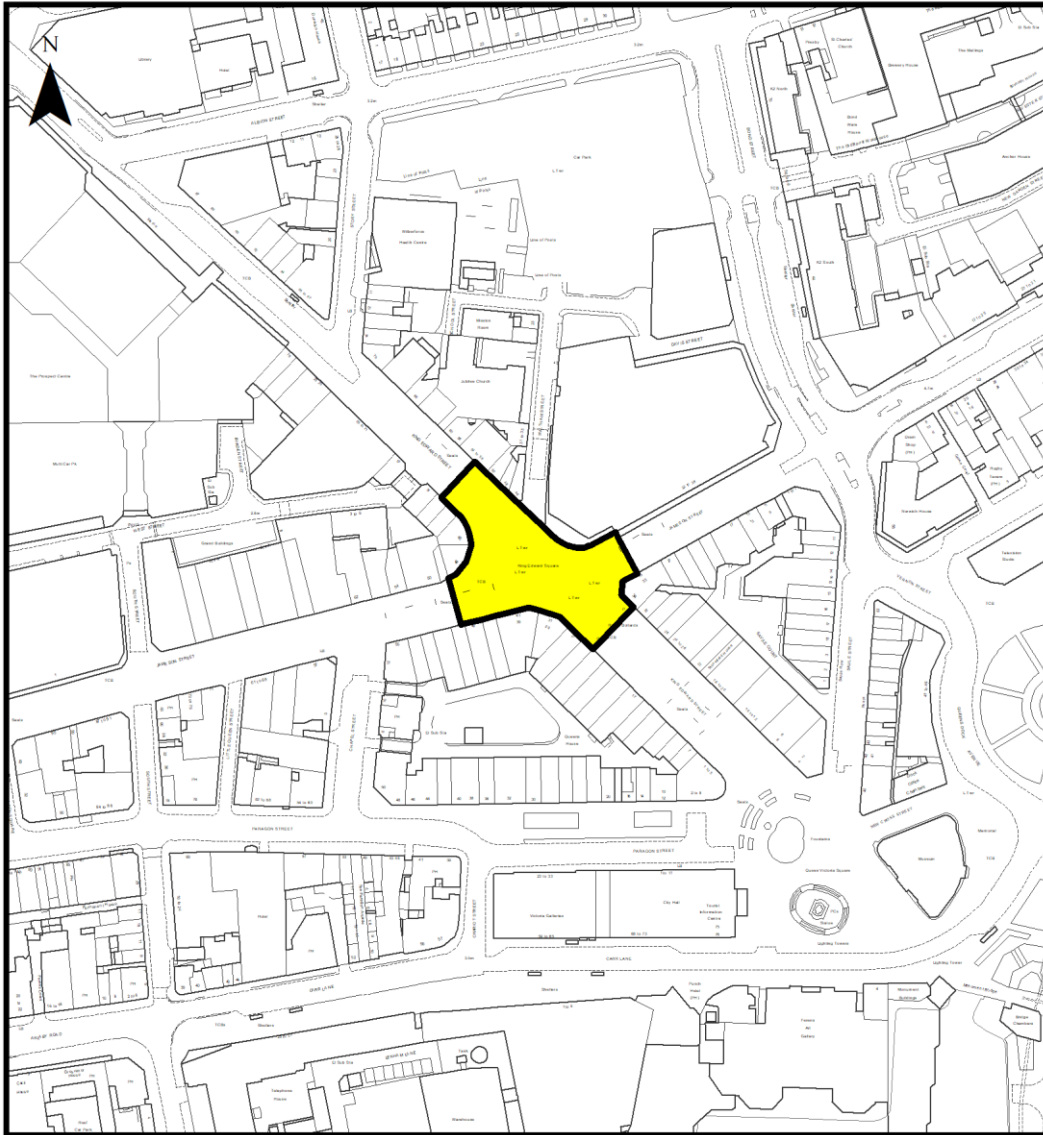
Applicants are encouraged to seek advice from the Council as to their choice of unit prior to purchase or submission of an application. No expenditure on units or equipment should be made until the Council has granted consent and the unit design has been approved.

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

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Inner Zone Street Trading
Hull City Centre



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Area suitable for Street Trading



STREET TRADING POLICY
APPENDIX D
Standard Conditions for Street Trading



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 days 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.