



STREET TRADING POLICY

DECEMBER 2009

DEFINITION OF STREET TRADING

Street Trading is the offering, exposing or selling of goods for sale (including living things). This means that the remit covers the advertising and offering of items for sale although it is restricted only to goods and not to services.

Street Trading involves the actual sale of goods, and not just an agreement to sell goods that is, 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 controls are:

1. Trading by person acting as a pedlar with a pedlar's certificate granted under the Pedlars Act 1871.
2. Markets or fairs, where there is statutory authority to hold the market or fair (such as by way of Royal Charter).
3. Trading in a trunk road picnic area provided by the Secretary of State under S112 of the Highways Act 1980.
4. Trading as a news vendor (only newspapers or periodicals may be sold and no stall may be larger than 1.0m by 1.25m by 2.0m high and does not stand on the carriageway).
5. Trading carried on at petrol garages or on their forecourts.
6. Trading at premises used as a shop, or in a street adjoining those premises and which is part of the shop's business.
7. Selling things, or offering or exposing them for sale, as a rounds man.
8. The use for trading facilities or recreation or refreshments under the Highways Act 1980, such as pavement cafes.
9. Activities authorised by S5 of the Police, factories etc. (Miscellaneous Provisions) Act 1916, for charitable and benevolent purposes.

Street trading is also prohibited on special roads, such as motorways, motorway service areas, and principle trunk roads and a 'street' as defined in the Highways Act 1980 as including any road, footway, beach or other area to which the public have access without payment.



CITY & COUNTY OF SWANSEA

STREET TRADING POLICY

1.0 Introduction

- 1.1 This policy covers street trading within the City & County of Swansea (the Council) and will dovetail with a future City Centre Overarching Policy Document.
- 1.2 For the purpose of this policy, the Council shall be comprised of two zones. An inner zone, containing the City Centre as indicated on the plan at Appendix 1, and an outer zone including all other areas of the county outside of the inner zone.
- 1.3 The granting of the street trading consents is made under the Local Government (Miscellaneous Provisions) Act 1982, Schedule 4 – Street Trading.
- 1.4 For the purpose of the policy, all streets within the City & County of Swansea are consent streets as designated in the Act.
- 1.5 Subject to statutory exemptions a street trading consent is required for the sale of any goods from land to which members of the public have access to without payment.

2.0 Inner Zone Considerations

- 2.1 Designated pitches for street trading are indicated on the location map at Appendix 1.
- 2.2 The City Centre Manager, subject to consultation with the relevant ward members, the Business Improvement District and the Highways Authority, shall have delegated responsibility for approving additional pitches to those shown on Appendix 1. This may be as operational need arises and for City Centre events. Appeals against a refusal will be dealt with by the Licensing Committee on request. The Christmas and continental markets will be arranged by the City Centre Manager.

2.3 The method of sales from the various pitches shall be by a stall or vehicle the style of which is acceptable to the City Centre Manager after consultation with the relevant ward member and The Business Improvement District.

2.4 Each individual pitch requires a valid planning consent if it is in to be in operation for more than 28 days. The Council will secure and hold the necessary planning consent.

2.5 Type of Goods For Sale

2.5.1 The Council must be mindful of the operation of the indoor market, the commercial shops in the City Centre and other street trading pitches. The Council may restrict the sale of goods by street traders to types which are not in direct competition with shops, sales outlets or other street traders in that immediate vicinity.

2.5.2 The City Centre Manager has delegated responsibility for deciding what type of goods and at which locations goods may be sold. Prior to determination, the City Centre Manager will consult the relevant ward members and the Business Improvement District.

2.5.3 Requests to sell goods which are refused may be referred to the Council's Licensing Committee for appeal.

2.6 Operators

2.6.1 The various pitches will be allocated subject to a suitable 'rental' charge being agreed. The City Centre Manager will operate the negotiation process.

2.6.2. All existing vendors will be offered priority until their existing consent is surrendered, revoked or rendered void due to non payment of fees, subject to the negotiation of an acceptable pitch charge.

2.6.3 Seasonal pitches may be made available for certain types of goods at the discretion of the City Centre Manager. Appeals will be heard by the Licensing Committee.

2.6.4 Mechanical vehicles servicing pitches will not be allowed into the City Centre Core area during restricted times.

2.6.5 The operator of a pitch will be responsible for the set up and removal to overnight storage of any stall to locations as directed by the City Centre Manager.

3.0 Outer Zone Considerations

- 3.1 Permanent pitches outside the inner zone will be considered on individual merit subject to the necessary planning consent and the **land owner's prior written consent**.
- 3.2 A "general" street trading consent will cover street trading operations anywhere else within the Council area, outside the inner zone, but will still require the **land owner's prior written consent**.

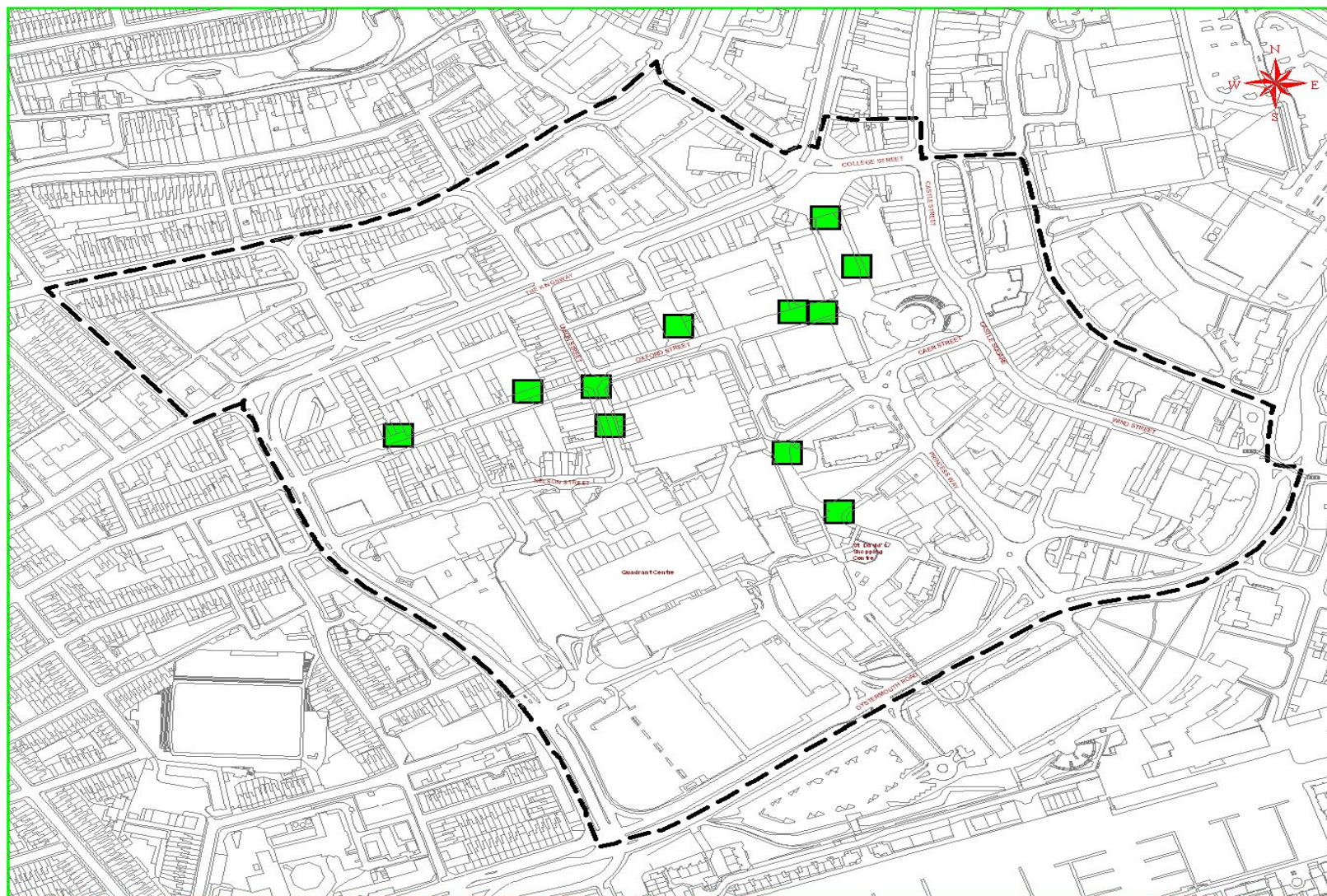
4.0 General

- 4.1 In addition to any site operation / pitch rental fee, a street trading consent fee is payable to the Council.
- 4.2 The granting or renewal of a street trading consent is controlled by the consent document which attaches conditions relating to such issues as
- Obstructions
 - Nuisance or annoyance
 - Location of trading
 - Operation times
 - Litter control
 - Any other conditions reasonably necessary.
- 4.2.1 The Council's Licensing Committee shall be the instigator of new conditions or the arbiter in any appeals about conditions.
- 4.3 Street trading consents are available for a maximum of 12 months and will be issued pro rata for minimum of 3 months where requested.
- 4.4 In relation to the Christmas Market or other organised events, some of the designated pitches may be affected. Such pitches will be incorporated into the event or an alternative location offered for the duration of the event. The vendor shall have the option of either choice subject to any additional rental costs of being involved in the event being met by the vendor and subject to the landowners terms, conditions and permission.
- 4.5 Small scale charitable or community type events where street trading takes place (where an admission charge is not made for entry) (i.e. some outdoor school fayres, carnival, fund raisers, car boot sales) will not incur a consent fee (other than the need to obtain a PNC check). Any commercial operation vendor attending such events will be required to hold a consent and a consent fee will be payable.
- 4.5.1 Commercial operators are those who are operating as a commercial business such as hog roasts, beer tents/vans, burger vans, commercial plant nurseries and other non food related businesses.

- 4.5.2 The Head of Housing & Public Protection Services shall have the discretion to decide on the commercial status of the vendor with a right of appeal to the Council's Licensing Committee.
- 4.6 Applicants for street trading consents have a public inter face, often with children. Applicants will therefore be required to submit a current (max 28 days old) "subject access search" from the Police National Computer (PNC) before consent is issued. There is no statutory appeal against the refusal of an application. Concerns about an applicant's suitability will be referred to Licensing Committee for consideration and considered in accordance with the guidelines on relevance of convictions.
- 4.6.1 Organisers of events may hold an 'umbrella style' consent to cover commercial traders at their events subject to the necessary consent being applied for and a suitable PNC check being submitted.
- 4.7 Enforcement of street trading and pedlars will be undertaken by officers authorised under delegated powers by the appropriate Director.
- 4.8 The City Centre Manager and other appropriate officers will have the discretion to refer any matters to Licensing Committee for consideration where considered appropriate.

5.0 Street Trading Consent Fees

- 5.1 The inner zone and outer zone will be charged at different levels to reflect the level of enforcement necessary.
- 5.2 The level of fees will be reviewed annually as part of the normal budget exercises.
- 5.3 Consent fees are payable in addition to any pitch rental fee. The minimum consent period is 3 months, the maximum 12 months.
- 5.4 Fees are payable in advance or by Direct Debit agreement with the Council's Finance Department. Any default in payment in fees will render the consent void.
- 5.5 An inner zone consent is valid for any trading taking place in the outer zone. By the nature of the goods being sold, the relationship to existing retail units in the City Centre, the higher consent fee and the need for planning consent, outer zone consents are not valid for the inner zone.



APPENDIX 1

CITY CENTRE

KEY

■ STREET TRADING PITCHES

--- CITY CENTRE CORE BOUNDARY

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 Environment Directorate

