

Lewes Street Trading and Application Guide

Introduction

If you want to sell, expose or offer for sale any article (including a living thing) in a street, then you must hold a Street Trading Consent issued to you by Lewes District Council. Not to do so is an offence

This leaflet tells you:

- What legal requirements you must meet to get a consent
- What policy guidelines we have adopted
- What information we need from you to enable us to consider your application

We will be asking you to complete an application form and to provide other information in order that we can process your application. All information received will be treated with respect and in confidence, although we may share information with other Statutory Agencies for the purposes of preventing crime.

Please read this leaflet carefully. Feel free to ask for advice at any time. We can be contacted at: Licencing, Environmental Health, Lewes District Council, Southover House, Southover Road, Lewes, BN7 1AB. Alternatively they can be submitted electronically to: licensing@lewes.gov.uk

The main Act of Parliament concerning street trading is the Local Government (Miscellaneous Provisions) Act 1982. This act allows us to control Street Trading in three distinct ways by classifying streets as:

Licensed streets
Prohibited streets or
Consent Streets.

In Lewes we have resolved to adopt the “Consent” street status to regulate trading activities. This is a simpler, more effective means of control and is defined as follows:

“**Consent Street**” means a street in which Street Trading is prohibited without the Consent of the Council, and

“**Street**” includes any road, footway, beach or other area to which the public have access without payment.

We have a general discretion in granting or renewing a Consent but we cannot approve your application unless we are satisfied that:

- i) You are at least 17 years of age. (No child can be employed or engaged in street trading by their parents - see Section 20 of the Children and Young Persons Act 1933) as amended.
- ii) You have submitted your application in writing.

iii) Your proposed trading location will not conflict with our adopted policy guidelines.

If you wish to sell hot food and/or drink between 2300 – 0500 hours you will need to be licenced under the Licensing Act 2003 either by way of a Premises Licence or a Temporary Event Notice.

For clarification purposes a street trading consent would not be required for the following activities:

A pedlar - although you cannot set up a stall or stop in any one location for a period of time - you must trade as you travel and not travel to trade.

A market or fair

A trunk road picnic area

A news vendor - although you must sell only newspapers or periodicals and/or have a stall occupying less than 1 metre in length/width or 2 metres in height. Further, any stall must not stand on the carriageway of a street.

A roundsman - for example milkmen, coalmen and other persons who go to regular customers.

A highway amenity for structures on the highway - the use for trading of an object or structure placed on, in or over the highway and the operation of facilities for recreation or refreshment under part 7A of the Highways Act 1980

A charitable street collection.

Trading carried out at a petrol filling station.

Trading in and around shops (including in a street adjoining shop premises so used as part of the business of the shop).

You do not require a Consent to trade from private land (such as a beer garden, car park or other area) where the public are denied general rights of access or have to pay to enter. You might however need to separately obtain planning permission and/or the express permission of the Council (as landowner) if we own or are responsible for the land.

Our Policy Guidelines

To help us deal with your application and to also allow you to know at an early stage whether your application is likely to be supported the following summarises the Guidelines we have adopted:

General

1. The Trader shall provide a service which is of benefit to the economic wellbeing of the area and protect its amenity and character.
2. The use shall not be in direct competition, in terms of goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away.
3. The number of Traders in any one street shall be limited so as not to cause undue concentration.
4. The siting and operation of any Trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirement of emergency vehicles.
5. Uses involving the sale of food and noise/fume emission shall meet the requirements of the Council and these should be identified before a Consent is

considered.

6. The appearance and use of associated equipment or structures shall be of good quality and the precise appearance of the facility shall be identified before a Consent is granted.

7. The use shall not be likely to cause problems of noise, smell, litter, queuing or other nuisance or late night disturbance, especially in residential streets.

8. The use shall be compatible with the character of the area in which it is proposed to be situated.

9. Within precincts, the precise siting shall be agreed before the use commences and shall subsequently be maintained at all times in the agreed position, in order to prevent any obstruction to pedestrians or conflict with the requirements of emergency vehicles.

10. The use shall not be located in the vicinity or within 100 metres of an existing shop, restaurant or hot food take-away which primarily sells the same goods.

What information must you provide to us?

To help us consider your application we would like you to show us:

1. **That you have completed the application form fully** in every respect.
2. **That you have identified clearly the proposed trading location** you wish to use and what you want to sell. A plan and photographs or drawings will be required to identify the site and show us what your stall or trading arrangements will look like.
3. **That you can produce evidence of third party public liability insurance** in the sum of £1,000,000.
4. **That you give us your details and those of any other employees or persons** who may assist you in your trading - this will include proof of the right to work.

You will also need to pay the fee.

WARNING

For new applications we may consult with other Officers, the Police, other Statutory Agencies and Ward Councillors. We may also request a criminal records check.

Granting / Renewing Your Consent

Once you have made a complete application, including the information above, we will be in a position to consult on and consider issuing your Consent for a period of up to one year, although sometimes we might grant a Consent for a limited “trial” period. The consultation will take at least 28 calendar days. If there are objections to your application then our Licencing Committee will be asked to decide whether to issue you a Consent or not – you will be entitled to attend any Committee Hearing and make your case for approval.

We may also want to inspect your stall or sales arrangements as well as the site you want to use as part of considering a Consent. There may be additional issues for you to take account of e.g. if you want to sell food, use gas or a generator on site

Any Consent will be granted or renewed subject to special and standard conditions. We will investigate any complaints or alleged breaches of Street Trading conditions. Failure to abide by the conditions shown on your Consent may lead to a prosecution against you and/or the revocation of your Consent. **There is no right of appeal** to the Magistrates if we refuse to grant, renew or revoke a Consent.

Forms and Further Information

An application form can be downloaded from the Lewes District Council website at <http://www.lewes.gov.uk/environment/21784.asp>

Alternatively a form can be obtained from address at the beginning of this leaflet.

For further information and details of the Council's Street Trading Policies and Conditions visit the Council's website at <http://www.lewes.gov.uk/environment/21784.asp> or telephone the above number and ask to speak with the Licencing Officer.