

# TRAFFORD COUNCIL STREET TRADING POLICY 2023

Author: Clare Whittle

Version: 2.0

Approved and adopted on:

<b>ITEM</b>	<b>CONTENTS</b>	<b>PAGE</b>
	Definitions	3
1.0	Local Government (Miscellaneous Provisions) Act 1982 and Street Trading	4
2.0	Purpose of the Policy	5
3.0	Street Trading in Trafford	5
4.0	Enforcement	6
5.0	Street Trading Licences	6
6.0	Street Trading Consents	7
7.0	General Information	7
8.0	Fees, Charges and Refunds	9
App 1	Prohibited Streets	10
App 2	Zones A, B and C	17
App 3	Fees, Charges and Refunds	20
App 4	Terms for Street Trading Licences and Conditions for Street Trading Consents	21
App 5	Application Process	27
App 6	Grounds for Refusal, Suspension or Revocation	28
App 7	List of Restricted Articles	29
App 8	Conviction Criteria	30
App 9	Offences	31
App 10	Enforcement	32

## **DEFINITIONS**

“Act” means the Local Government (Miscellaneous Provisions) Act 1982

“Appointed Nominee” means a duly Authorised Officer in the Place Directorate

“Authorised Officer” means an Officer authorised on behalf of the Council

“Council” means Trafford Council

“Consent” means a consent to trade on a consent street granted by the Council

“Consent Holder” means the person or company to whom the consent to trade has been granted by the Council

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

“Event Days” means any day when Manchester United Football Club or Lancashire County Cricket Club are holding a football match or other event, as specified and confirmed by the Council

“Licence” means a licence to trade on a Licence Street granted by the Council

“Licence Holder” means the person or company to whom the licence to trade has been granted by the Council

“Licence Street” means a street in which trading is prohibited without a licence granted by the Council

“Local Highways Authority” (LHA) means Trafford Council’s Highways Department

“Pitch” means a specified and designated location from which a licence holder or consent holder can operate

“Principal Terms” means those terms in relation to a Licence defined in Appendix 4.

“Prohibited Street” means a street in which Street Trading is prohibited.

“Street” is defined in the Local Government (Miscellaneous Provisions) Act 1982 and includes: (i) Any road, footway, beach or other area to which the public have access without payment. (ii) A service area as defined in Section 329 of the Highways Act 1980, and also includes any part of a street.

“Street Trading” means the selling or offering or exposing for sale of any article (including a living thing) in any street.

“Subsidiary Terms” means those terms in relation to a Licence defined in Appendix 4.

## **1.0 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 AND STREET TRADING**

1.1. Trafford Council have adopted Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 whereby all streets within the Council boundary, which includes any area to which the public have access without payment, have all been determined as being either Consent, Licence or Prohibited Streets.

1.2 This means that anyone who wishes to trade on the Streets in Trafford must do so with a valid Street Trading Consent or Licence. Prohibited Streets, where Street Trading is not permitted, are listed in Appendix 1.

1.3 As the statutory definition of “Street” includes any land to which the public have access without payment, private land to which the public has free access is also included in this Policy and a valid Street Trading Consent or Licence will be required.

1.4 The Act allows the Council to set different fees for different types of Licence or Consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according to:

- (a) the duration of the Licence or Consent;
- (b) the street in which it authorises trading; and
- (c) the descriptions of articles in which the holder is authorised to trade.

1.5 There are a number of statutory exceptions from these controls. The following activities are not regarded as Street Trading for the purposes of Trafford’s Street Trading conditions:

- 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 exemption applicable to markets applies only to those chartered or statutory markets and where a market has been established under Part III of the Food Act 1984 or other statutory provision). For temporary markets, fairs or events operating on Council land, relevant fees will need to have been paid by the organiser of the market or fair before permission to trade is granted by Trafford Council.
- c) Trading in a trunk road picnic area as defined in Section 112 of the Highways Act 1980;
- d) Trading as a news vendor (newspapers and periodicals), trading which is carried on at premises used as petrol filling station or is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- e) Selling things as a roundsman e.g. milkman; and
- f) Trading in a location where members of the public cannot freely gain access;

1.6 The Act also provides that, on the grant of a Consent or a Licence the Council may attach conditions in order to ensure that trading is carried out in an appropriate manner. The terms and conditions detailed in Appendix 4 set out the requirements and standards that must be met in relation to applications made for the three types of Street Trading Licences and Consents issued by the Council as set out at paragraph 3.1. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this document. However, each application or

enforcement action will be considered on its own merits and in accordance with Trafford Council's enforcement policy. Specific terms or conditions may be attached to a Consent or Licence.

## **2.0 PURPOSE OF THE POLICY**

2.1 The purpose of this policy is to outline how the Council regulates Street Trading and considers applications for Street Trading Licences and Consents. This policy and the associated fees and charges will be kept under review. A maximum period of five years will elapse before the policy is formally reviewed. The fees and charges will be reviewed annually and any proposed changes will be consulted upon as required under the Act.

## **3.0 STREET TRADING IN TRAFFORD**

3.1 Trafford Council has identified within the Borough the following areas for which applications can be made :

1. Street Trading Licence Pitch:  
Area around Manchester United Football Club and Lancashire County Cricket Club (Zone A) are Licence Streets or Prohibited Streets. Trading in Zone A can only be done via a Street Trading Licence issued by the Council for the sale of specific articles in a specific location (pitch) on specified Event Days as outlined in the Licence.
2. Street Trading Consent Pitch:  
Town centres of Sale (Zone B) and Altrincham (Zone C) are Consent Streets or Prohibited Streets. Trading in these towns can only be done via a Street Trading Consent issued by the Council for a specific location (pitch) on a Consent Street as specified by conditions attached to the Consent.
3. Street Trading Consent Various Specified Streets:  
All other streets in the Borough are either Consent Streets or Prohibited Streets. Trading in these areas can only be done via a Street Trading Consent issued by the Council on the Consent Streets specified in the conditions attached to the Consent.

**Appendix 1** lists the prohibited streets.

**Appendix 2** shows Zones A, B and C where trading must be from a specific location (pitch) identified by the Council and outlined in the Licence or Consent.

**Appendix 3** outlines the fees and charges for the various Licences and Consents.

**Appendix 4** lists the terms and conditions that apply to the various Licences and Consents.

3.2 If trading in a park owned by the Council, then the applicant or holder must also obtain permission from the appropriate department for the parks – contact the Green Space team at [greenspaceapplications@trafford.gov.uk](mailto:greenspaceapplications@trafford.gov.uk)

3.3 Anyone wishing to trade from a street in a designated area will be required to make an application to the Council. The process for applying for Street Trading authorisation is shown in Appendix 5. An application for a new or renewal Street Trading Licence or Consent will be granted unless there are grounds for refusal. Grounds for refusal are given in Appendix 6.

3.4 The Street Trading year runs from 1 April until 31 March with annual Licences and Consents expiring 31 March each year. Any applications made and granted after 1 April will expire on 31

March. Applications to renew must be made at least 21 days prior to expiry and may be refused if the fee is outstanding.

3.5 Before a Street Trading Licence or Consent is granted, the Council will consult and share full application details with GMP and the Local Highway Authority (LHA). They may also consult with various other persons and groups including GMFRS, Environmental Health, Planning, Greenspace and Community Safety.

3.6 The holder must present his vehicle, stall, trailer or other trading unit used for Street Trading for inspection by an Authorised Officer at a time and place designated by that Officer.

3.7 A list of restricted articles can be found at Appendix 7. These are articles that must not be sold or provided with a purchase. This list may be varied from time to time. A trader may apply for an exemption to sell articles from the list but this must be approved by an Authorised Officer and the exemption added to the Consent or Licence before the article is stocked, advertised or sold.

#### **4.0 ENFORCEMENT**

4.1 The Council will actively enforce the provisions of Street Trading legislation within its area, including routine checks and monitoring of the streets, within the boundary, to ensure compliance with the Street Trading terms or conditions. All enforcement activities will be carried out in accordance with the Council's Enforcement Policy.

4.2 Traders who may be certified as pedlars but who do not trade in a manner consistent with that designation, for example by trading from substantially static positions using trolleys or display devices, will be asked to apply for a Street Trading Licence or Consent. Enforcement action may be taken against those who continue to trade as a Street Trader but without obtaining the relevant Licence or Consent.

#### **5.0 STREET TRADING LICENCES**

5.1 Where an application is approved, the Council will issue a Licence to which the Principal and Subsidiary Terms detailed in Appendix 4 will be attached. The Principle terms will specify the streets on which, the days on which and the times between which the licence-holder is permitted to trade; and the description of articles in which he is permitted to trade.

5.2 The terms attached to the Licence form part of the approval to carry out Street Trading in the borough of Trafford. These terms must be complied with at all times and failure to do so may result in the Licence being either revoked or not renewed or enforcement action being taken.

5.3 The grounds for the refusal, suspension or revocation of a Licence are outlined at Appendix 6.

5.4 If the Council considers that they have grounds for refusing, suspending or refusing a Licence (but not where the reason relates to non payment fees or to them not being suitable) they may, instead of revoking or refusing it, vary its Principal Terms:

- By reducing the number of days or the period in any one day during which the licence-holder or applicant is permitted to trade; or
- By restricting the descriptions of articles in which he is permitted to trade.

5.5 If the Council propose, in relation to a Licence:

- to refuse an application for the grant or renewal of a Licence; or

- to grant a Licence on Principal Terms different from those specified in the application; or
- to grant a Licence confining the applicant's trading to a particular place in a Street; or
- to vary the Principal Terms of a Licence; or
- to revoke a Licence

The Council will serve a notice on the applicant or, as the case may be, the licence-holder—

- specifying the ground or grounds on which their decision would be based; and
- stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.

The matter will not be determined until after the 7 days have elapsed.

5.6 If the Council refuses either to grant or to renew a Street Trading Licence, any person aggrieved may appeal against the decision to the magistrates court within 21 days providing the reason for the decision falls within one of the categories designated under paragraph 3 (6) (d) – (g) of the Act.

5.7 There is no right of appeal where refusal is based on grounds in 3 (6) (a) – (c). of the Act. Proceedings by way of judicial review are the only means available by which refusal on these grounds may be challenged. However, any person aggrieved against such a refusal may lodge a complaint with through the Council's complaints procedure. A copy of the Council's corporate complaints procedure is available on the Council's website <http://www.trafford.gov.uk/about-your-council/complaints/complaints.aspx>

5.8 There is a right of appeal to the Magistrates Court within 21 days against the decision of the Council to revoke a Street Trading Licence, provided the grounds for revocation are only those given in Para 5 (1) (b) to (d) of the Act. Judicial review provides the only means of challenging a revocation on the ground of insufficient space (Para 5(1)(a) of the Act).

5.9 Appeals against variation of the Principal Terms must be exercised within 21 days of the date when the decision to vary the Street Trading Licence was notified to the applicant or licence holder following the notice procedure outlined in 5.5 above.

## **6.0 STREET TRADING CONSENTS**

6.1 Where an application is approved, the Council will issue a Consent to which the conditions detailed in Appendix 4 will be attached. Additional conditions will be attached to each Consent specifying articles that can be sold, the specific trading location(s) and any restrictions on days and times as appropriate.

6.2 The conditions attached to the Consent form part of the approval to carry out Street Trading in the borough of Trafford. These conditions must be complied with at all times and failure to do so may result in the Consent being either revoked or not renewed or enforcement action being taken.

6.3 The grounds for refusal, suspension or revocation of a Street Trading Consent are outlined at Appendix 6. If the Corporate Director of Place or his Appointed Nominee determines that a Street Trading Consent be revoked or an application refused, the applicant will be notified within 10 working days of the decision giving reasons and any plate issued must be returned to the Council

within the timescale specified. There is no statutory right of appeal other than judicial review, however a complaint may be made under the Council's corporate complaints procedure.

6.4 A copy of the Council's corporate complaints procedure is available on the Council's website <http://www.trafford.gov.uk/about-your-council/complaints/complaints.aspx>

## **7.0 GENERAL INFORMATION**

7.1 The Council will not grant a Street Trading Licence or Consent to a person under 17 Years of age.

7.2 Licence or Consent holders will allow Authorised Officers and police officers access to the vehicle, trailer, stall or other trading unit at all reasonable times.

7.3 The conditions and Subsidiary Terms attached to all Street Trading Licences and Consents stipulate that a holder may not assign, sub-let, or part with interest or possession of a Licence or Consent.

7.4 The Council may from time to time vary the Street Trading conditions and Subsidiary Terms.

7.5 Any person or their representatives operating under a Street Trading Licence or Consent must abide by the terms or conditions.

7.6 The Council may disclose activities and personal details of Applicants, Street Trading Licence and Consent holders, their employees, stall holders or volunteers to third parties who have a legal right to such information. This includes other regulatory and law enforcement agencies (as well as internal council departments) and those who may require the information in connection with civil court action.

To comply with the Proceeds of Crime Act 2002 (POCA) information may be shared with third parties who have a legal right to such information including HMRC and the National Crime Agency.

We will also share personal information relating to complaints (including complaint and intelligence details) if we believe it is relevant to other authorities.

We are obliged to report information regarding details of street traders periodically for fraud, other crime and other purposes. This includes personal details. A link to Trafford Council's Primary Privacy Notice can be found here <https://www.trafford.gov.uk/about-your-council/data-protection/privacy-notices/Privacy-Notice.aspx>

7.7 All Street Traders have a responsibility to and must consider the safeguarding of young and vulnerable persons in relation to Street Trading activity. Safeguarding is wide ranging and includes protecting children and young persons from harmful products to human trafficking and exploitation and being aware of the signs of activity considered to be harmful. The Council also considers that persons that have been convicted of some criminal convictions may not be suitable for Street Trading for reasons which include safeguarding vulnerable persons. The Council's Suitability criteria is attached at Appendix 8.

7.8 The Council reserve the right to suspend a Licence or Consent if the Local Highways Authority (LHA) considers it necessary, including roadworks, street works or for reasons of public safety.



## **8.0 FEES, CHARGES AND REFUNDS**

8.1 Full details of Street Trading fees, charges and refunds are detailed in Appendix 3.

8.2 A Licence or Consent will not be issued until an Authorised Officer has verified and accepted the documentation required and payment is made and are only considered granted when they have been approved and payment due has been received.

8.3 Street Trading Licences and Consents must be paid for in full. If payments are not made by the date requested the Licence or Consent will expire and the location(s) made available to other applicants.

8.4 The Council may, at its discretion, reduce the fees detailed in Appendix 3 for a charity or where an applicant is operating on behalf of a charity. The applicant must provide evidence of their charitable status . such as their registered charity number, other evidence in writing that they are acting on behalf of a registered charity or any other information requested by the Council as appropriate. All other requirements in relation to the application and Street Trading terms or conditions remain.

Please note if you are intending to carry out a Charitable Street Collection within Trafford, you will require a permit from Trafford Council's Licensing Section. A link to the page for more information and the application process can be found here: [Street collections licence \(trafford.gov.uk\)](https://trafford.gov.uk/street-collections-licence)

## Appendix 1

### Prohibited Streets

#### **STREET TRADING CONSENTS – PROHIBITED STREETS**

Trafford Council prohibits street trading in the following designated areas of the Borough. Any person contravening this requirement may be prosecuted.

#### **A560**

Shaftesbury Avenue (Including Service Roads)

Stockport Road

Woodlands Road

#### **A56**

Bridgewater Way

Chester Road

Church Street

Cross Street

Dunham Road

Manchester Road

Old Market Place

Washway Road

#### **ALTRINCHAM**

Ashley Road

Ashlands Road

Balmoral Road

Barrington Road

Brien Avenue

Brewery Street

Brook Lane

Brooks Drive

Cavendish Road

Central Way

Charter Road

Cross Street

Delamer Road

Denmark Street

Frieston Road

Greenwood Street

Goose Green

Grange Avenue

Grosvenor Road

Grove Lane (Altrincham)

Grove Lane (Timperley)

Hale Road

Hartley Road

High Street

The Access Road (Between High Street and Post Office Street, which is adjacent to the Multi-storey Car Park)

Kingsway

Lloyd Street  
Manor Road  
Market Street  
Mayor's Road  
Moss Lane (Altrincham)  
Moss Lane (Timperley)  
Navigation Road  
Newton Road  
Oakfield Road  
Oakfield Street  
Oldfield Road  
Oxford Road  
Park Road (Timperley)  
Police Street  
Post Office Street  
Pot Street  
Railway Street  
Regent Road  
Sinderland Road  
Sinderland Lane  
Stamford Brook Road  
Stamford Park Road  
Stamford Street  
Stamford New Road  
Stockport Road  
Stelfox Avenue  
Sylvan Avenue  
The Downs  
The Causeway  
Thorley Lane  
Turnbull Road  
Urban Road  
Wellington Road  
Welman Way  
Woodhouse Lane East  
Woodlands Parkway  
Woodlands Road  
Viaduct Road  
Victoria Street

**ALTRINCHAM RETAIL PARK & ATLANTIC STREET RETAIL PARK**

Atlantic Street (Between Baltic Road and Seamon's Road)  
Balfour Road  
Baltic Road  
Barlow Road  
Beaconsfield Road  
Bridgewater Embankment  
Castleton Street  
Churchill Road  
Clarke Street

Craven Road  
Dairyhouse Lane  
Davenport Lane (First 40 meters south of Atlantic Street)  
Eastdale Place  
George Richards Way  
Holt Street  
Huxley Street  
Lee Avenue  
Manchester Road  
Peeveril Road  
Princess Street  
Salsbury Road  
Viaduct Road  
Woodfield Road

**BOWDON**

Apsley Grove  
Bowdon Road  
Bow Green Road  
Cavendish Road  
Charcoal Road  
Church Brow  
Delamer Road  
Dunham Road  
Devisdale Road  
Enville Road  
Grange Road  
Green Walk  
Langham Road  
Park Road  
Priory Street  
Richmond Road  
South Downs Road  
Stamford Road  
St Margaret's Road  
St Mary's Road  
The Firs  
Vicarage Lane  
Winton Road

**CARRINGTON**

Carrington Lane  
Common Lane  
Flixton Road  
Isherwood Road  
Manchester Road

**DUNHAM MASSEY**

Back Lane  
Barns Lane  
Charcoal Road  
Dunham Road

Moss Lane  
Paddock Lane  
School Lane  
Smithy Lane  
Station Road  
Woodhouse Lane

**HALE**

Ashley Road  
Bath Place  
Broomfield Lane  
Brown Street  
Cecil Road  
Delahays Road  
Hale Road  
Heather Road  
Park Road  
South Downs Road  
Victoria Road  
Wicker Lane  
Westgate

**PARTINGTON**

Central Road  
Chapel Lane  
Cross Lane East  
Manchester Road  
Manchester New Road  
Moss Lane  
Oak Road  
Warburton Lane

**SALE**

Ashfield Road  
Ashton Lane  
Baguley Road  
Benbow Street  
Broad Road  
Brooklands Road (Within the Trafford Boundary)  
Carrington Lane  
Cecil Avenue  
Charlton Drive  
Chapel Road  
Cheltenham Drive  
Claremont Road  
Clarendon Road  
Cranleigh Drive  
Cross Street  
Curzon Road  
Danefield Road  
Dane Road  
Dumber Lane

Eden Place  
Friars Road  
Glebelands Road  
Grosvenor Road  
Hayfield Street  
Hereford Street (Excluding the section between School Road and Benbow Street)  
Harboro Road  
Harboro Way  
Hope Road  
John Street  
Langley Road  
Marsland Road  
Manor Avenue  
Northenden Road  
Oaklands Drive  
Old Hall Road  
Orchard Place  
Raglan Road  
School Road (Between Tatton Road and Britannia Road)  
Sibson Road  
Springfield Road  
Tatton Place  
Tatton Road  
Walton Road  
Washway Road  
Whalley Road  
Wilson Street  
Woodhouse Lane  
Wynnstay Road  
York Road

**STRETFORD & TRAFFORD PARK**

Ashburton Road West  
Ayres Road  
Barton Road  
Barton Dock Road  
Church Street  
Commerce Way  
Cromwell Road  
Davyhulme Road  
Davyhulme Road East  
Derbyshire Lane  
Derbyshire Lane West  
Edge Lane  
Eighth Street  
Eleventh Avenue  
Europa Circle  
Europa Way  
Fifth Avenue  
Fifth Street

First Avenue  
Fourth Avenue  
Fraser Place  
Guinness Road  
Great Stone Road  
Gorse Hill Park  
Kings Road  
Kingsway  
Longford Avenue  
Mercury Way  
Mosley Road  
Park Road  
Park Way  
Parkway Circle  
Redclyffe Road  
Ryebank Road  
Sixth Street  
Second Avenue  
Seymour Grove  
Tenth Street  
Third Avenue  
Trafford Boulevard  
Trafford Park Road  
Trafford Way  
Trafford Wharf Road  
Turn Moss Road  
Urmston Lane  
Village Circle  
Village Way  
Warwick Road South  
Warren Bruce Road  
Westinghouse Road

**TRAFFORD RETAIL PARK**

Barton Road  
Kingsway Park  
Neary Way  
Rivers Lane  
Shetland Way  
Stroma Gardens

**URMSTON**

Barton Road  
Bowfell Road  
Canterbury Road  
Chassen Road  
Church Road  
Crofts Bank Road  
Davyhulme Road  
Flixton Road  
Gloucester Road

Greenfield Avenue  
Grosvenor Road  
Guildford Road  
Hayeswater Road (including Hayeswater Circle)  
Hereford Grove  
Higher Road  
Hilton Avenue  
Irlam Road  
Kingsway Park  
Lime Avenue  
Lostock Road  
Moorfield Walk  
Moorside Road  
Moss Vale Road  
Newton Road  
Park Avenue  
Park Road North  
Park Road South  
Primrose Avenue  
Queensway  
Railway Road  
Roseneath Road  
Ross Grove  
Station Road  
Stretford Road  
Sumner Way  
Valley Road  
Winchester Road  
Winifred Avenue  
Woodbridge Road  
Woodsend Crescent Road  
Woodsend Road  
Woodsend Road South  
Wycliffe Road

**WARBURTON**

Bent Lane  
Dunham Road  
Paddock Lane  
Warburton Lane  
Townfield Lane

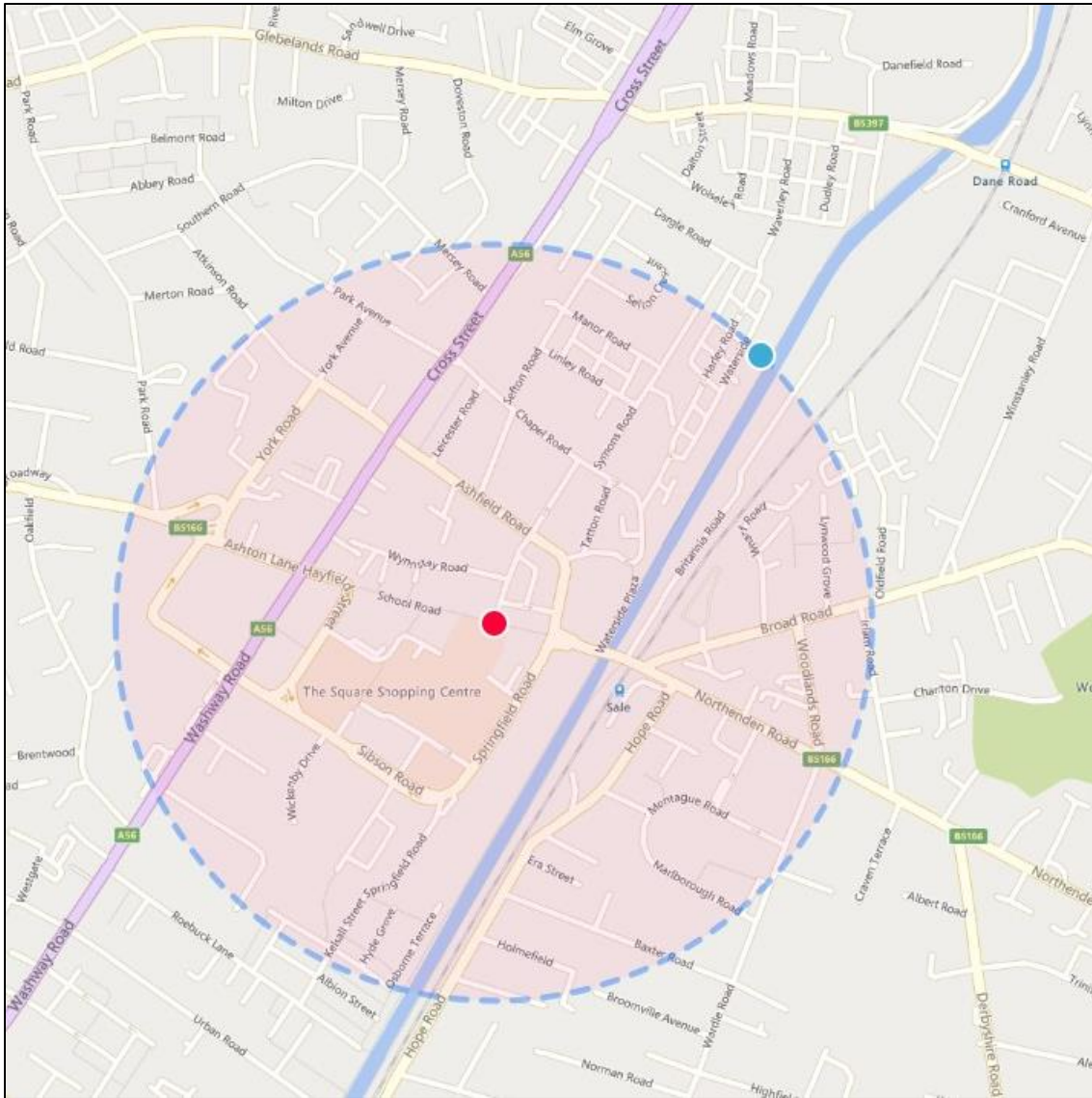
**WHITE CITY RETAIL PARK**

Birch Avenue  
Botanical Avenue  
Boyer Street  
Chester Road  
Montague Road  
Stretford Road  
White City Circle  
White City Way



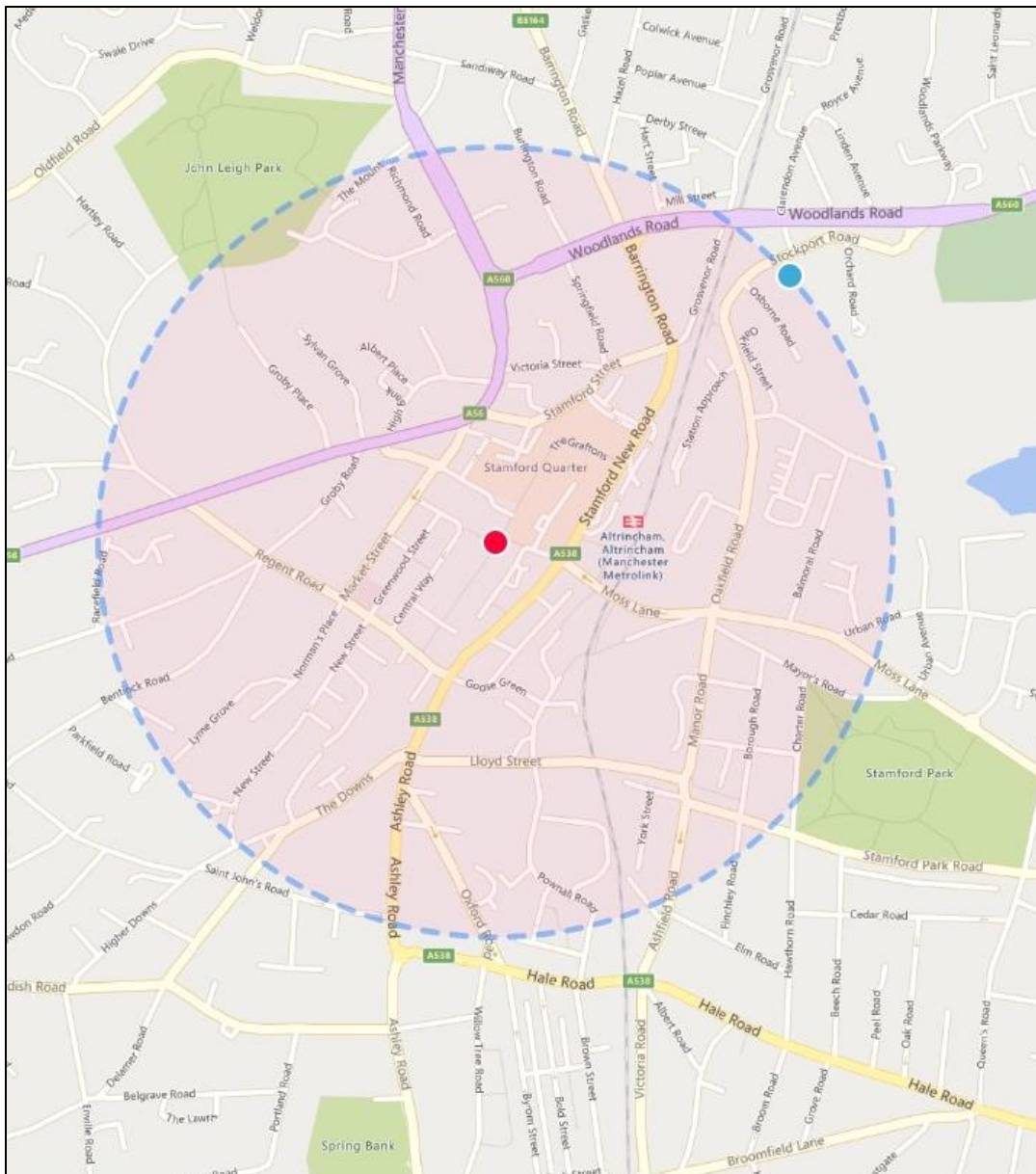


## ZONE B – SALE TOWN CENTRE



500-meter radius from the junction of School Road and Claremont Road, Sale.

## ZONE C – ALTRINCHAM TOWN CENTRE



550-meter radius from the junction of George Street and Shaws Road, Altrincham.

## Appendix 3

### FEES, CHARGES AND REFUNDS

#### Street Trading Licence Pitch MUFC/LCCC (Zone A)

Item	Fee
Annual Licence	£1679
One Day Event Licence	Price On Application

#### Street Trading Consent Pitch Town Centres (Zones B and C)

Item	Fee
Annual Consent	£1076
One Day Event Consent	Price On Application

#### Street Trading Consent Various Specified Streets

Item	Fee
Annual Consent	£857
One Day Event Consent	Price On Application

#### Other charges

Duplicate licence or consent	£15.00
Cancellation Fee	£37.00

The holder may at any time surrender his/her Licence or Consent to the Council subject to the cancellation fee and it shall then cease to be valid. Refunds or adjustments to accounts can only take effect from the 1st of the month following the date the consent is received in the offices of Licensing, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.

## Appendix 4

### PRINCIPAL AND SUBSIDIARY TERMS OF A STREET TRADING LICENCE PITCH – ZONE A

The Streets in the area around Manchester United Football Club and Lancashire County Cricket Club (subject to the exclusion of all streets owned or maintainable by the British Railway Board) have been designated as Prohibited Streets or Licence Streets as shown in Appendix 1 and Appendix 2.

The Street Trading Licence outlines the Principal Terms of the Licence i.e.:

- 1) The Street in which, days on which and times between which the licence-holder is permitted to trade;
- 2) The description of articles in which the licence-holder is permitted to trade;
- 3) The particular place from where the licence-holder is to confine his/her trading to (Licence pitch location).

When granting or renewing a Street Trading Licence, the Council may attach such further conditions known as “Subsidiary Terms” of the Licence as appear to them to be reasonable. The Subsidiary Terms of a Street Trading licence within Trafford Council are as follows:

- 1) A copy of the Licence must be displayed prominently on the unit or stall at the Street Trading site and the trader or his employees shall produce it whenever required by an Authorised Officer or Police Officer.
- 2) The holder of a Street Trading Licence may employ any other person to assist him/her in his/her trading without a further licence being required.
- 3) The food hygiene certificate referred to in Term 13) of the Licence will remain the property of the Council, and must be returned by the holder on the expiration of the Licence. A new certificate will be issued on the renewal of a Licence.
- 4) Failure on the part of the holder (or any other person he/she employs to assist him/her in trading) to comply with any of the terms imposed by the Licence may lead to the revocation of the Licence or to the Council refusing to renew on its expiration.
- 5) Notwithstanding the issue of the Licence, the holder is not authorised to trade at any time in contravention of any other statutory enactments or order or Local Acts or Byelaws.
- 6) The Council has designated Streets in the Borough as “Prohibited” (see attached list). Subject to the exclusion of all Streets owned or maintainable by the British Railway Board, and Zone A which are designated as Prohibited or Licence Streets, the Council have designated all other streets as “Consent” streets which are Streets in which Street Trading is prohibited without the consent of the Council. The term “Street” includes any road, footway or other area to which the public have access without payment. The holder of a Licence may require the permission of the landowner or other person to trade on any private land which constitutes a street for these purposes. In particular, the grant of a Licence does not confer the right to trade on any land owned or controlled by the Council without specific permission of the Council.
- 7) A Street Trading Licence is not transferable and the Licence holder may not assign, sub-let, or part with interest or possession of a Street Trading Licence. The holder may at any time surrender his/her Licence to the Council subject to a cancellation fee and it shall then cease to be valid. Refunds or adjustments to accounts can only take effect from the 1st of the month

following the date the Licence is received in the offices of Licensing, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.

- 8) The Licence holder shall comply with all legislation relevant to the conduct of the business in which he/she is engaged and ensure that any vehicle used by him/her is in a roadworthy condition and is taxed, MOT'd and has the relevant vehicle insurance.
- 9) To sell only those articles authorised and listed on the application.
- 10) To trade only from the specific pitch when issued with a Street Trading Licence.
- 11) To prevent obstruction of any Street or danger to persons using it.
- 12) To prevent nuisance or annoyance (whether to persons using the Street or otherwise).
- 13) To affix in a prominent position clearly visible to public view and Authorised Officers the National Food Hygiene Rating Certificate and sticker.
- 14) The holder must present the vehicle, stall, trailer or other trading unit used for Street Trading for inspection by an Authorised Officer when required to do so at a time and place designated by that Officer.
- 15) To ensure that any other person employed by him/her to assist him/her in trading also complies with the aforesaid conditions.
- 16) Not to trade in any Council car park to which the public have access without payment.
- 17) No article to be stored whether for sale or not on or in the vicinity of your trading location, this includes generators and any associated trailing cables unless permitted under the specific terms of your Licence. Generator and lighting at units, or other noise must be kept to a minimum level, and should not create a nuisance or pollution. No unit used for Street Trading shall emit any fumes during the trading period to the annoyance of persons using the Street or occupying premises in the Street.
- 18) The Licence holder shall after trading has ceased, remove the catering unit / trailer / vehicle / stall from the trading position and not leave anything on the Street unless permitted under the specific terms of the Licence.
- 19) The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. In respect of fast food trailers, the Licence holder shall hold a Waste Carrier's Licence and shall be responsible for providing adequate arrangements for the storage and disposal of refuse. Street litter bins shall not be used for trade waste. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner. Any waste left on site will be treated as fly-tipping and may result in a prosecution. The Street Trading Licence may be revoked if it is found that waste has been disposed of illegally. The Licence Holder shall keep copies of waste transfer notes for the previous two years in the trailer for inspection when requested.
- 20) The Licence holder and any employees must notify the Council in writing within two working days of any change of address, police investigations and/or convictions or cautions or any other changes which arise during the terms of the Licence. The Council reserves the right to suspend a Licence with immediate effect pending a review by a senior Authorised Officer should any criminal matter come to light raising concerns for public safety.

21) The Licence holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

22) The Licence holder shall not trade outside the time and days permitted by the Licence and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.

23) The Licence holder shall trade in compliance with the Licence and must not digress e.g., affixing barriers or advertising etc. that has not been specified in the Licence.

24) The trading unit or stall must be of the size and design approved by the Council and/or specified in the Licence. Written approval to change the specified sales unit must be obtained from Trafford Council.

25) Notwithstanding the details of a Licence, when a pitch becomes temporarily or permanently unsuitable for any reason, the Licence holder will agree to relocate to another suitable alternative Street Trading pitch for the period of the temporary restriction or permanently.

Further terms may be specified in the Licence and may include:

- The size and type of any stall or container which the licence-holder may use for trading;
- That any stall or container so used shall carry the name of the licence-holder or the number of his licence or both; and
- Prohibiting the leaving of refuse by the licence-holder or restricting the amount of refuse which he may leave or the places in which he may leave it.

## **STREET TRADING CONSENTS**

The Council has designated Streets in the Borough as “Prohibited” (see attached list) and subject to the exclusion of all Streets owned or maintainable by the British Railway Board (BRB), and the MUFC/LCCC zone which are designated as Prohibited or Licence streets, the Council have designated all other Streets as “Consent” streets which are Streets in which Street Trading is prohibited without the consent of the Council.

Street Trading in the town centres of Sale and Altrincham (Zones B and C) can only be done via a Street Trading Consent issued by the Council for a specific location (pitch) on a Consent Street. In addition to the following conditions, a Street Trading Consent for these areas will have specific conditions attached to the Consent specifying:

- The Street in which, days on which and times between which the consent-holder is permitted to trade;
- The description of articles in which the consent-holder is permitted to trade;
- The particular place from where the consent-holder is to confine his/her trading to (Consent pitch location).

All other streets in the Borough (except for those areas outlined in Appendix 2 i.e. those owned and maintained by BRB and Zone A, B & C) are either Consent Streets or Prohibited Streets. No trading is permitted from Prohibited Streets. Trading on a Consent Street can only be done via a Street Trading Consent issued by the Council on the Consent Streets specified in the conditions attached to the Consent as requested in the application form.

## **STREET TRADING CONSENT CONDITIONS (APPLYING TO ALL STREET TRADING CONSENTS):**

- 1) A copy of the Consent must be displayed prominently on the unit or stall at the Street Trading site and the trader or his employees shall produce it whenever required by an Authorised Officer or Police Officer. A uniquely numbered plate issued by the Council must be displayed on ice cream vans and mobile units.
- 2) The holder of a Street Trading Consent may employ any other person to assist him/her in his/her trading without a further Consent being required.
- 3) The food hygiene certificate referred to in Condition (14) of the consent will remain the property of the Council, and must be returned by the holder on the expiration of the Consent. A new certificate will be issued on the renewal of a Consent.
- 4) Failure on the part of the holder (or any other person he/she employs to assist him/her in trading) to comply with any of the conditions imposed by the Consent may lead to the revocation of the Consent or to the Council refusing to renew the Consent on its expiration.
- 5) Notwithstanding the issue of the Consent, the holder is not authorised to trade at any time in contravention of any other statutory enactments or order or Local Acts or Byelaws.
- 6) The Council has designated Streets in the Borough as "Prohibited" (see attached list) and subject to the exclusion of all Streets owned or maintainable by the BRB and those in Zone A which are designated as Prohibited or Licence streets, the Council have designated all other streets as "Consent" streets which are streets in which Street Trading is prohibited without the consent of the Council. The term "Street" includes any road, footway or other area to which the public have access without payment. The holder of a Consent may require the permission of the landowner or other person to trade on any private land which constitutes a Street for these purposes. In particular, the grant of a Consent does not confer the right to trade on any land owned or controlled by the Council without specific permission of the Council.
- 7) The Council may at any time vary the conditions of a Street Trading Consent.
- 8) A Street Trading Consent is not transferable and the Consent holder may not assign, sub-let, or part with interest or possession of a Street Trading Consent. The holder may at any time surrender his/her Consent to the Council subject to a cancellation fee and it shall then cease to be valid. Refunds or adjustments to accounts can only take effect from the 1st of the month following the date the consent is received in the offices of Licensing, Trafford Council, Trafford Town Hall, Talbot Road, Stretford, Manchester M32 0TH.
- 9) The Consent holder shall comply with all legislation relevant to the conduct of the business in which he/she is engaged and ensure that any vehicle used by him/her is in a roadworthy condition and is taxed, MOT'd and has the relevant vehicle insurance.
- 10) To sell only those articles authorised and listed on the application.
- 11) To trade only from the specific pitch when issued with a Street Trading Consent pitch or specified Streets when issued with a Street Trading Consent for various specified Streets.
- 12) To prevent obstruction of any Street or danger to persons using it.
- 13) To prevent nuisance or annoyance (whether to persons using the Street or otherwise).
- 14) To affix in a prominent position clearly visible to public view and Authorised Officers the National Food Hygiene Rating Certificate and sticker.



- 15) The holder must present the vehicle, stall, trailer or other trading unit used for Street Trading for inspection by an Authorised Officer when required to do so at a time and place designated by that Officer.
- 16) To ensure that any other person employed by him/her to assist him/her in trading also complies with the aforesaid conditions.
- 17) Not to trade in any Council car park to which the public have access without payment.
- 18) No article to be stored whether for sale or not on or in the vicinity of the trading location, this includes generators and any associated trailing cables unless permitted under the specific terms of your consent. Generator and lighting at units, or other noise must be kept to a minimum level, and should not create a nuisance or pollution. No unit used for Street Trading shall emit any fumes during the trading period to the annoyance of persons using the Street or occupying premises in the Street.
- 19) The Consent holder shall after trading has ceased, remove the catering unit / trailer / vehicle / stall from the trading position and not leave anything on the Street unless permitted under the specific terms of your Consent.
- 20) The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. In respect of fast food trailers, the Consent holder shall hold a Waste Carrier's Licence and shall be responsible for providing adequate arrangements for the storage and disposal of refuse. Street litter bins shall not be used for trade waste. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner. Any waste left on site will be treated as fly-tipping and may result in a prosecution. The Street Trading Consent may be revoked if it is found that waste has been disposed of illegally. The Consent Holder shall keep copies of waste transfer notes for the previous two years in the trailer for inspection when requested.
- 21) The Consent holder and any employees must notify the Council in writing within two working days of any change of address, police investigations and/or convictions or cautions or any other changes which arise during the terms of the consent. The Council reserves the right to suspend a licence or consent with immediate effect pending a review by a senior Authorised Officer should any criminal matter come to light raising concerns for public safety.
- 22) The Consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

#### **ADDITIONAL CONDITIONS FOR STREET TRADING CONSENT PITCH (ZONES B AND C)**

The holder of a Consent to trade from a pitch in a location specified by the Council must also comply with the following conditions:

- 1) The Consent holder shall not trade outside the time and days permitted by the Consent and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.
- 2) The Consent holder shall trade in compliance with the Consent and must not digress e.g., affixing barriers or advertising etc. that has not been specified in the Consent.

- 3) The trading unit or stall must be of the size and design approved by the Council and/or specified in the Consent. Written approval to change the specified sales unit must be obtained from Trafford Council.
- 4) Notwithstanding the details of a consent, when a pitch becomes temporarily or permanently unsuitable for any reason, the Consent holder will agree to relocate to another suitable alternative Street Trading pitch for the period of the temporary restriction or permanently.

## Appendix 5

### Application Process

An application for a Street Trading Licence or Consent must be made to the Council in writing using the appropriate application form found on the Council website. The following documents must be submitted with the completed application form:

- Proof of National Insurance Number
- A copy of a current certificate of insurance that covers the Street Trading activity for third party and public liability risks up to £5 million
- 1 Form of identification dated within last 3 months only – i.e. gas/electric/water or council tax invoice (no mobile phone bills or arrears letters accepted)
- 1 Current colour passport style photograph of applicant
- 1 Colour photograph of catering unit/vehicle to be used and size of the unit or vehicle
- Details of any employees (inc. National Insurance Numbers)
- A copy of the National Food Hygiene Rating Scheme (FHRS) certificate (all traders must be registered, prior to any trading) (where applicable)
- A copy of the current Gas Safety certificate to show that any gas appliances, flues, pipework and safety devices have been inspected and tested by a competent person within the last twelve months (where applicable)
- A copy of the Waste Carrier's Licence (where applicable)
- If your prospective pitch is on private land we will require written confirmation that you have the permission of the landowner plus planning permission if required, or confirmation that planning permission is not required
- Written confirmation from Trafford Council Greenspace team of permission to trade where trading in a park owned by the Council
- Specific details of articles to be sold and confirmation that no restricted articles will be sold (a list of restricted articles can be found at Appendix 7);
- A basic disclosure and barring service (DBS) check no more than 1 month old. Any criminal convictions will be considered having regard to the Conviction Criteria outlined at Appendix 8.

Additional information required for ice-cream vans / mobile units:

- Original driving licence;
- Original Vehicle insurance documents;
- Original M.O.T. certificate.

Failure to submit the completed application form with all of the above documentation will prevent the application being processed. A link to the application form and process can be found online.

Temporary Street Trading Licences or Consents can only be granted in respect of particular types of operations in conjunction with specific events taking place in Trafford. The application should be made by the event organiser, but if this is not possible, by the individual applicant. The fee for temporary Licences or Consents will be determined on application and will take into consideration matters such as size of unit, articles being sold, footfall for the event, location and type of event.

## **Appendix 6**

### **Reasons an application to grant or renew a Street Trading Licence or Consent may be refused**

- the applicant is aged under 17 years
- the application criteria set out at section 2.1 is not met
- the application is to trade in a place that would breach the law
- the applicant wishes to trade in a street that is not designated to allow Street Trading, or the Article, thing or service goes against any term of the designation
- the location is unsuitable
- the space or area proposed is not suitable for the applicant or would interfere with people and vehicles
- there are already enough Street Traders in the street or adjoining the street proposed selling services, articles or things the applicant proposes to trade
- the types of services, articles or things proposed to be traded would affect the area proposed
- the applicant has provided false information
- the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason
- the applicant has failed to carry out requirements of a previous Street Trading Licence or Consent
- the applicant has had a previous Street Trading Licence or Consent revoked
- failure to pay fees
- the applicant has failed to provide further information requested
- failure to comply with Licence Terms or Consent Conditions

### **Reasons a Street Trading Licence or Consent may be revoked or suspended**

The Council may at any time revoke a Street Trading Licence in accordance with Paragraph 5.1 of the Act.

The Council may revoke a Street Trading Consent. This may be for a variety of reasons such as non-compliance with conditions; non-payment; sale of restricted articles; or because other agencies such as the utility companies require access to the trading location. Street traders do not benefit from any statutory procedural safeguards before we revoke consents. If consent is revoked, there is no statutory right of appeal against the decision other than judicial review. In the absence of statutory procedures, we will observe the rules of natural justice before we will impose a revocation and we will treat the consent on this basis as an existing privilege. Following a revocation, the person or company issued with the street trading consent shall have no claim against the Council.

## **Appendix 7**

### **List of Restricted Articles**

The following articles must not be sold or provided with a purchase. This list may be varied from time to time.

Please note you may apply in writing for an exemption to sell specific articles from the list which must be approved by an officer and the relevant exemption added to the consent or licence before the restricted articles can be stocked, advertised or sold if the officer agrees to an exemption.

- Bladed articles and other offensive weapons (e.g. knives, knuckle dusters, nunchucks)
- All types of corrosive products
- Tobacco and tobacco related products
- Vaping and vaping related products
- New Psychoactive Substances ('legal highs') under the Psychoactive Substances Act 2016
- Items associated with drug use or could be perceived to glamourize drug use
- Sex articles as defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982
- Second hand jewellery
- Alcohol
- Counterfeit items
- Anything with 3 lions on unless with the agreement of UEFA
- Any other item that is considered unsuitable in terms of public safety or that may cause offence or may undermine the objectives of this policy
- Any article which would cause an environmental, health or pollution risk for example feather boas.
- No live animals may be sold, given away or used for demonstration or exhibition.
- Real fur items or items from endangered animals

## **Appendix 8**

### **Suitability Criteria**

For the purposes of this Street Trading policy, Trafford Council's "Statement of Policy and Guidelines relating to the relevance of convictions, formal / simple cautions, complaints and other matters which may impact on the granting of a Licence" will be considered as part of determining the application and deciding whether the applicant is a suitable person to hold a Licence or Consent.

This policy will also be used when considering the fitness of existing Licence or Consent holders in light of any convictions declared.

A copy of the policy can be found here <https://www.trafford.gov.uk/business/licenses-and-permits/taxi/docs/Convictions-Guidance-Policy.pdf>

Please note if you are applying for a Licence or Consent for a static unit then the traffic section of the above policy will not apply.

If you have convictions which fall within this policy then you will be referred to the Public Protection Sub-Committee for them to consider if you are a suitable person to hold or continue to hold a Street Trading Licence or Consent.

## **Appendix 9**

### **Offences**

The adopted street trading legislation is statutory in nature. There are criminal sanctions available for street traders in breach of obligations imposed by the law. The following are street trading offences:

- Engaging in street trading activities in a prohibited street
- Engaging in street trading in either a licence or a consent street without the appropriate authorisation granted by the Council
- Contravention of any of the terms of a street trading licence
- Breach of any of the conditions included in a consent in relation to the time and place in which trading is permitted
- The sale of any restricted goods
- Trading as a consent holder from a stationary van, cart, barrow or other vehicle unless permission has been granted
- Trading as a consent holder from a portable stall unless permission has been granted to do so
- Knowingly making a false statement in support of a licence application

## **Appendix 10**

### **Enforcement**

All traders are required to take all reasonable precautions and exercise all due diligence to avoid the commission of any offences. Licensing enforcement staff will act fairly and consistently when enforcing the provisions of the Street Trading Scheme.

The Council's policy on enforcement is available on the Council's website.

A highway authority has the power to remove obstructions from the highway and so may remove stalls or trestles or any other structures used for trading which cause an unlawful obstruction.

Persons trading in contravention of any of the requirements above will be the subject of proactive enforcement action in accordance with our policy on enforcement.

In general, the Licensing Services Enforcement Team will take the lead role on the investigation and, where appropriate, the prosecution of unlawful street trading. Licensing Services will work with the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk areas and issues. A lighter touch will be applied to those Consent Holders that are shown to have well managed and maintained operations.

In cases where action of a more formal nature is considered appropriate, the key principles of consistency, transparency and proportionality will be applied