

A vibrant place to live,
work, and enjoy



Street Trading Policy

April 2024

Contents

| | |
|---|-----|
| Glossary | 3/4 |
| Introduction and Scope | 4 |
| Objectives of the Policy | 5 |
| Purpose | 5 |
| Requirement to obtain consent | 5 |
| Consultation | 5 |
| Duration of Policy | 5 |
| Applications for Street Trading Consent | 6 |
| Contents of a Street Trading Application form | 7 |
| Inspection of the Street Trading Unit | 8 |
| Consultation | 8 |
| Prohibited Goods | 8 |
| Site Assessment | 9 |
| Duration of Street Trading Consent | 9 |
| Issue of Street Trading Consents | 10 |
| Decisions to refer applications to the Licensing Regulatory Sub-Committee | 10 |
| Renewals | 10 |
| Transfers | 10 |
| Refusal of Applications | 10 |
| Mobile Street Trading | 11 |
| Fees | 11 |
| Conditions | 12 |
| Street Trading during Events | 12 |
| Community and Charitable Events | 12 |
| Commercial Events | 12 |
| Review Process | 13 |
| Safeguarding | 13 |
| Convictions | 14 |
| General Principles | 14 |
| Offences involving Violence | 14 |
| Drug Related Offences | 14 |
| Indecency Offences | 14 |
| Dishonesty | 14 |
| FAQ's | |
| What should I consider before submitting my application? | 15 |

When do I need permission from the land owner? 15

If my application is referred to the Licensing Regulatory Sub-Committee, what happens? 15

Annex 1: Generic Conditions for Annual Street Trading Consent 16/17

Annex 2: Generic Conditions for Annual Mobile Street Trading Consent 18/19/20

Glossary

Activities not requiring consent

Trading:

- as a pedlar under a pedlar's certificate
- at a market or fair the right to hold which was acquired by virtue of a grant or acquired or established by virtue of an enactment or order
- as a news vendor
- at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop
- as a roundsman (i.e. delivering pre-ordered goods to customers)
- from a licensed highway area under a street collection permit for charitable purposes

Applicant

The individual who has submitted an application for a street trading consent

Authorised Officer / Licensing Officer

Means an officer employed by and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

Consent holder

An individual that holds a street trading consent.

Consent street

If a street is designated as a “**consent street**” then street trading without a consent is a criminal offence. The council is of course always bound to act reasonably and consistent with its general obligations (e.g. those under the Human Rights Act), but subject to that the council enjoys a very wide discretion with regard to the granting or refusal of street trading consents and does not have to rely upon specific statutory grounds in order to refuse an application for grant or renewal of a consent. There is no right of appeal against any council decision made in respect of a street trading consent. A street trading consent cannot be granted for a period of time exceeding twelve months and can be revoked at any time. When granting or renewing a consent the council may attach any reasonable condition, furthermore the council can at any time vary the conditions attached to a consent. Any such variations will be notified in writing to the named person on the application form for the consent and will take effect immediately or on the date of the notification letter.

Council / Local Authority

Mole Valley District Council

Immediate Vicinity

An area within a reasonable distance surrounding a traders location. There is no statutory limit in relation to distance and this will be assessed on a case-by-case basis

Pedlar

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- carry all goods for sale and not use a trolley or stall hold a valid pedlar's certificate, issued by a Chief Constable of Police

Prohibited Street

If a street is designated as a “**prohibited street**” then a criminal offence is committed by any person engaging in street trading in that street.

There could be a number of reasons for wishing to designate a street as prohibited. For example the street may not be wide enough to facilitate a trader or the council may wish to restrict trading at a particular location. It may be considered that the prohibited status might be the most appropriate designation for the majority of residential streets in the city however this would create difficulties as such a restriction would prevent, for example, ice cream vans from carrying out their business. Currently Mole Valley District Council has no prohibited streets.

Mobile trader

A mobile street trader is one that:

- continually moves from location to location
- moves at least 50 metres from the last trading location and does not return to that location within four hours
- does not wait in one location for more than 20 minutes does not trade within 500 metres of any entrance to any educational establishment (without formal invitation from the establishment)

Roundsman

An individual who visits a ‘round’ of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.

Street Trading Consent

A permission to trade, which is granted by the council subject to conditions and the payment of a fee.

Street Trading Operators Consents

For a Community/Charitable Event or a Market the consent will normally be issued to the main organiser of the event e.g. Dorking BID / Leatherhead Chamber of Commerce.

Street trading

The selling, exposing or offering for sale of any article (including a living thing) in any street.

Street

Includes any roadway, footway, pavement, precinct or other area to which the public have access without payment e.g. lay-by or car park whether on private land or not.

Introduction and Scope

Mole Valley District Council recognises the valuable contribution that street trading can make to the local culture and economy, and the service that street traders provide to residents of the district, some of whom are unable to travel to centralised shopping centres. Street trading can provide people with a flexible way of working, to meet the demands of the public where and when that demand arises.

The Council is also committed to improving the support provided to small businesses, ensuring there are no unnecessary burdens placed on them and they are provided with sufficient advice to enable them to operate successfully. However, issues arise where vendors do not pay due regard to their siting, and create an obstruction in the street, or make it dangerous for people to move around them.

Street trading can also result in unnecessary littering and other nuisance to persons visiting, living or working in the vicinity. For this reason, Local Authorities have a legal discretion to regulate street

trading in their area. Street trading is covered by the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4.

Mole Valley District Council has designated all streets within its boundaries as "Consent Streets". The effect of this designation is that if you want to sell goods on the street, you are classed as a Street Trader and, subject to legal exemptions, will need to have the appropriate consent. Conditions can be attached to the consent as is considered 'reasonably necessary'. Trading without the required consent is a criminal offence.

Objectives of the policy

Central to the Council's policy are a number of key objectives which are:

- To prevent public nuisance by taking measures to reduce the risk of nuisance from obstruction, noise, refuse, vermin, fumes and smells.
- To ensure that traders operate within the law and act fairly in their dealings with the public so as not to present a risk to public order.
- To ensure the suitability of the structures used for the sale of goods on the street.
- To permit temporary or occasional street trading, where appropriate.
- To ensure that the process involves opportunities for consultation with relevant agencies.

Purpose

This Policy seeks to ensure that these objectives are achieved in a consistent, fair and proportionate way.

Requirement to Obtain Consent

A person intending to sell items from a street in accordance with the above definitions of "street" and "street trading" will be required to obtain full written consent from the Council to do so.

Consultation

In determining this policy, the Council have consulted the following:

- Surrey Police
- Surrey Fire and Rescue Service
- Surrey County Council Highways
- Surrey County Council Trading Standards
- Parish and Town Councils
- Current street traders
- Local business organisations
- Residents

In addition the Councils' regulatory and enforcement services have been consulted. These include:

- Planning
- Environmental Health
- Economic Development
- Community Safety
- Parks and Leisure

The aim of the Mole Valley District Council Street Trading Policy (the Policy) is to prevent obstruction of the streets of the District and ensure the safety of persons using them. In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in the life of Mole Valley. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.

Applicants should be aware that the Council is the land owner for some streets in the District for which there may be an additional charge and restrictions on availability.

Duration of policy

This policy will be reviewed, initially every three years. When required, periodic updates may be undertaken.

A Consent Street is a street in which street trading can only take place if the consent of the local authority has first been obtained. All streets within the councils' areas are designated as Consent Streets. Prohibited Streets are streets where no street trading may take place.

Street traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.

All applications for street trading consents must include written permission from the land owner for the business to operate from that location.

All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.

Applications for a Street Trading Consent

All new street trading consent applications (except from mobile street traders) will be subject to a 28 day consultation period. The consultation will seek the views of local residents and businesses that may be directly affected and statutory agencies whose responsibilities may be impacted by the proposed business. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

The following criteria will be considered in deciding whether or not a street trading consent will be granted and on what conditions:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Surrey County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

b) Public order

Whether the street trading activity represents, or is likely to represent, a risk to public order. Surrey Police will be consulted on all applications regarding public order.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or

annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The Councils Environmental Health team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a yellow A4 notice erected at the proposed consent location. The relevant district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 500 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food should be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight.

If this is not within the Mole Valley district the business should notify the Environmental Health team of the location from which they intend to trade. Any changes must be notified to the Environmental Health Team 28 days prior to the change.

Street Trading Consents for food type traders will only be granted to those who have an evidenced food hygiene rating of at least 3 indicating the hygiene standards are generally satisfactory.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition.

Contents of a Street Trading Consent Application

All applications for the grant of a new street trading consent site shall include:

- A completed Street Trading Consent Application Form.
- The payment of the required fee as appropriate for the periods of trading applied for (please see payment plan options below)
- Colour photographs showing the front, side and rear aspects of the stall, van, barrow, cart etc that will be used for the street trading activity.
- One passport size photograph of the applicant.
- A basic disclosure certificate (dated within one calendar month before submitting the application) for the applicant.
- A copy of a current certificate of insurance that covers the street trading activity for third

party and public liability risks, to a minimum value of £5 million.

- written consent of the landowner
- written confirmation of the existence or requirement for planning permission
- a copy of a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map shall be to a scale of 1:2500 and clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed

If there are no valid objections or the application can be amended or conditions set in agreement with all parties a Street Trading Consent can be issued. In addition to the application requirements above the following will be required prior to the Consent being issued:

- the remaining balance of the required fee (or confirmation of payment plan)
- electrical/gas safety certificates as required (certificates must be less than 28 days old at time of submission)
- a valid insurance certificate for £5,000,000 public liability and public indemnity cover (new businesses only)

Inspection of the Street Trading Unit

Where appropriate the vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading Consent and shall comply in all respects to the relevant legislation.

In the event that representations are received from relevant bodies advising that the trading unit is unsuitable and/or works are required there will be a short period of grace to remedy the issues raised. Failure to remedy any issues raised within 4 weeks of the date of notification of those issues, will result in the application being rejected, any deposit paid will be refunded in accordance with Mole Valley District Council's Licensing Refund Policy. In the interim if an application is received for the same site by another trader they will take precedence over any rejected applications.

Consultation

Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups on all applications. In particular the following organisations or persons will be consulted where appropriate:

- Mole Valley District Council Economic Development
- Mole Valley District Council Environmental Health Team
- Mole Valley District Council Planning
- Mole Valley District Council Community Safety
- Surrey County Council Highways
- Surrey County Council Trading Standards
- Surrey Fire & Rescue Service
- Surrey Police
- The appropriate Local Ward Councillor(s)
- Any other appropriate person/body as the Licensing Authority may see fit dependent on the contents of the application form

In addition to the above, further consultations may be carried out with property owners and occupiers in the vicinity of the proposed site who may be affected by the application. This consultation will be by the Council requiring the applicant to notify the relevant property owner/occupiers in writing, or by requiring the applicant to erect a notice at the proposed site for the consultation period. If the applicant is asked to carry out this further consultation and does not carry this out to the Council's satisfaction, the application may be refused.

Written representations from the above organisations and occupiers of properties will be taken into consideration when determining an application.

The Council will take into account any representations made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The consultation period will run for 28 days. Responses received after this period will only be considered at the discretion of the Licensing Team.

Prohibited Goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:

- Firearms and replica firearms;
- Knives;
- Offensive weapons and replica weapons;
- Tobacco products;
- Fireworks;
- Articles that would typically be sold in sex shops;
- Animals;
- Legal Highs

The above list is not exhaustive and the Authority has the right to refuse any item proposed for sale as it deems necessary.

Site Assessment

Street Trading Consents from static locations will not normally be granted where:

- A significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site, or
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes, or
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
- There is a conflict with Traffic Orders such as waiting restrictions, or
- The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
- The trading unit obstructs the safe passage of users of the footway or carriageway, or

- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
- The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Trading from lay by locations is restricted to sites which provide:-

- Sufficient width to allow vehicles to park and pass.
- Sufficient length to allow several large vehicles to park without causing congestion.
- A verge (minimum width 1 metre) physically separating the lay by and the highway.

Street Trading consents will not normally be granted at any time on sites that are within the distances set out below. Determination of the distances will take account of the topography, road layout, access and egress to and from the trading site and the specified premises/site.

- 250 metres of the boundary of any hospital, nursing or residential care home.
- 500 metres of the boundary of any educational establishment whilst they are in operation.
- 30 metres of any roundabout, road junction or pedestrian crossing.
- 50 metres of any other authorised street trading location (other than at festivals, events, etc)

Duration of Street Trading Consents

Street trading consents are issued for 12 months from the date of approval unless granted for a reduced period. Consents may be revoked at any time.

Issue of Street Trading Consents

A Street Trading Consent for any particular site will be issued for a period of 12 months. Shorter term Consents, for example for one off events, for a certain number of days or for seasonal trading may be issued depending on local circumstances.

The Consent granted is specific to the person to whom it is issued and is non- transferable and there can be no sub-letting.

No trading is permitted until a consent has been granted.

Decision to refer applications to the Licensing Regulatory Sub-Committee

Applications which attract representations which are considered to be relevant or which do not meet the criteria in this policy may be determined by the Licensing Regulatory Sub-committee. A representation will be considered to be relevant if it is made by a person, business or body that is likely to be directly affected by a successful application. In addition, the representation must not be vexatious or frivolous and should concern itself only with matters likely to be affected by a successful application.

The Local Government (Miscellaneous Provisions) Act 1982 does not make provision for an unsuccessful applicant to appeal against the decision of the Council in relation to the refusal of Street Trading Consents.

Renewals

Applications for renewal must be submitted no later than 20 working days prior to the expiry date of the current consent. Renewal applications made after this date will not be valid and a new application will have to be made. No trading may take place until the new consent is issued.

All applications for the renewal of a street trading consent site shall include:

- a completed application form downloaded from the council website
- street trading consent fee
- a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- current photographs of the vehicle/stall showing external condition and signage
- electrical/gas safety certificates as required. Certificates must be less than 28 days old at time of submission
- food hygiene certificates (for food businesses only)

Transfers

A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to a documented business partner or member of the consent holder's immediate family in the event of the consent holder's death or incapacity.

All transfers will be subject to a fee.

The sub-letting of a street trading consent location or pitch is prohibited.

There is no statutory right of appeal against refusal to issue a street trading consent or against conditions that may be included in a street trading consent.

Refusal of Applications

Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.

There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the council may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision. However, applicants also have recourse to the council's complaints procedure if the applicant considers that a council service has not been properly delivered. Full details are available on request or on the internet at www.molevalley.gov.uk.

Mobile Street Trading

Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.

Traders must meet all of the below conditions to be classed as mobile:

- move from location to location

- move at least 50 metres from the last trading location and do not return to that location within four hours
- do not wait in one location for more than 20 minutes
- do not trade within 500 metres of any boundary to any educational establishment (without formal invitation from the establishment)

Due to the nature of their trade over a wide geographical area and their limited impact upon a single location mobile street traders will automatically be granted a street trading consent subject to meeting all the above conditions and submitting a complete application.

Mobile units selling ice cream etc may sound chimes in accordance with Code of Practice on Noise from Ice Cream Van Chimes etc. in England 2013, but not before 12.00 noon and after 7.00pm, on any day and not when the vehicle is stationary.

All applications for the grant or renewal of a new mobile street trading consent site shall include:

- a completed application form downloaded from the council website
- street trading consent fee
- a copy of a map showing the proposed area of trading
- current photographs of the vehicle/stall showing external condition and signage
- a valid insurance certificate for £5,000,000 public liability cover
- food hygiene certificates (for food businesses only)

Fees

The level of fees applicable takes into account the administrative cost of issuing the consent and the cost of enforcement officers to ensure compliance with the conditions in the consent.

Fees will be set for initial processing of applications, issue and compliance of consents and transferring or amending consents.

Where trading ceases during the term of a street trading consent, refunds will not be given for any outstanding period of less than three months. Details of the current fees can be found on the council's website or on application to the Licensing Department.

A payment plan will be in operation for applications for a street trading consent up to 6 months and for a consent up to 12 months. The payment options are: -

- A.** Payment in full with the application;
- B.** Payment of half the required fee with the application with the balance being paid on the 6 month anniversary of the grant of the consent; or
- C.** Payment of a quarter of the required fee with the application with the balance being paid on the 3 month anniversary of the grant of the consent.

Any other applications for a street trading consent will require the full fee to be paid at the time of submitting the application. An application will not be processed until such time as the required fee as stated above has been submitted. Once the application has been deemed as complete the consultation will commence.

Any Consent issued under payment plan B or C will have a specific condition attached to their consent confirming that if the required payment is not received prior to the date specified the street trading consent shall lapse and any further trading will be illegal and enforcement action could be taken.

Conditions

The standard conditions applied to street trading consents are attached to this policy as Annex 1. The standard conditions applied to mobile street trading consents are attached to this policy as Annex 2. These lists are not exhaustive and other conditions may be added to individual consents as required to meet the policy criteria.

Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The council must approve any changes to or replacement of the stall or vehicle.

Street trading during events

This Policy recognises that street trading will take place at various events throughout the District and aims to promote and support the organisers of events and encourage traders to attend. The Policy recognises that events take place for different reasons, from small scale events for charitable or community purposes to larger scale commercial ventures.

Community and Charity events are important in terms of promoting local causes and participation in local matters. The Council should assist organisers of these types of events in order to encourage community engagement. It should also be recognised that Commercial events have an importance to the district in terms of promoting tourism and economic growth and that The Council should also assist organisers of commercial events. It should be recognised that The Council does also have a regulatory role to protect the public and existing businesses at any event.

Recognising the difference between the two types of event, as such the Council's Street Trading Policy and any fees payable distinguishes between the two categories, Community/Charitable events; and Commercial Events:

Community and Charitable events

Community and similar events will normally be organised by a Parish Council, Mole Valley District Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Any trading activity will be incidental to the event and where the event organiser does not charge a pitch or similar fee to trade at the event.

A nominal administration fee may be charged to authorise street trading at an event of a community or charitable nature.

Commercial events

Commercial events will normally be organised by an independent person or group as a commercial venture, with aims of attracting the wider community for a commercial purpose. Trading will be the main feature of the event and where the event organiser charges a pitch or similar fee to trade at the event the Council's full street trading application fees will be charged to authorise street trading at an event of a commercial nature.

Each special event application will be judged according to its merits and may be referred to the Licensing Regulatory Sub-Committee for determination. At such special events the Council may issue one single use Consent to the person organising the event to authorise trading which takes place.

The decision as to whether an event falls within the Community/Charitable or Commercial Fee structure rests with the Licensing Team, with the Officer's decision being final. Event organisers

are recommended to contact the Licensing Service at the earliest opportunity in order to discuss what consents may be required for their event.

Review Procedures

This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within the Mole Valley District. In any case, this Policy will be reviewed within three years of adoption or as a result of any major legislative changes.

Safeguarding

All Consent holders 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. An example could be the well-publicised impact of placing fast food near to schools. The authority 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. Further details are outlined below.

Considerations which should be included, but not limited to are detailed as follows:

- A Street Trading Consent will only be issued to those aged 17 years or older. Further, only those aged 17 years or older may be allowed to work on the trading vehicle and all employees must be covered by the appropriate employment law.
- Where alcohol is sold or supplied, the minimum age for working at a unit or stall is 18.
- Proof of age policies must be implemented in relation to age restricted products and details of such policies should be advertised on signage.
- Street Trading pitches will not normally be allocated within 500 metres of schools or establishments primarily for the use of young or vulnerable persons.

There have been well-publicised issues relating to Child Sexual Exploitation (CSE) and human trafficking. As a Licensing Authority, Mole Valley District Council has a duty to assist consent holders and the public in tackling these issues, to protect the vulnerable and those at risk of, or who are, being exploited.

If you have concerns that a child you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

If you have concerns that an adult you are serving, or who is working for you, may be vulnerable and/or the victim of exploitation then please contact the police on 101, or 999 if an emergency.

Useful numbers

| | |
|---|---------------|
| If there is an urgent risk call | 999 |
| To report specific concerns about the abuse or neglect of an adult, call Social and Health Care | 0300 470 9100 |
| If you are worried that your manager or any other professional in a position of trust (e.g. teacher) may be abusing a child, call the Local Authority | 0300 123 1650 |

Designated Officer for Child Protection (LADO)

If you are concerned that a child may be being abused by someone other than your manager or another professional (e.g. parent), call The Surrey Children's Single Point of Access (C-SPA)

0300 470 9100
cspa@surrey.gov.uk

Convictions

Applications are required to be submitted with a self-declaration relating to convictions history for each member of staff that will be employed/working at the stall/van/cart/barrow etc. The authority will consider the following guidelines in relation to applications. Holders of Street Trading Operators Consents are also expected to apply the same guidelines to stallholders and volunteers.

General Principles:

Each case will be decided on its own merits. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

The following examples afford a general guide on the action to be taken where an applicant has convictions. The guide is not intended to be exhaustive, and officers will consider each application based on the circumstances:

Offences involving violence

It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

Applicants with recent indecency offences would normally be debarred.

Dishonesty

Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

FAQ's

What should I consider before submitting my application?

There are a number of factors that the licensing authority take into account when determining an application for a street trading consent, these include public safety, public order, preventing nuisance or annoyance, possible objections from local residents or businesses, proximity to schools and colleges, planning permission, appearance of your proposed stall or vehicle, food hygiene regulations and proximity of similar businesses. Further details of each consideration can be found in the council's Street Trading Policy.

You should also think about the location and consider whether there are any factors which might impact on your application such as whether it is in an area with restricted parking, such as a residents parking zone, or whether there is space for your vehicle at the location.

If you are intending to sell food you should also set out measures to demonstrate how your consent will contribute to protecting the environment and improving the food offer in Mole Valley.

When do I need permission of the landowner?

If you make an application for land which is not owned or managed by Mole Valley District Council you will need to provide written permission from the landowner to trade on that site. This must be the legal owner of the land, some examples are given below:

- If you want to trade in a pub car park it's likely to be the brewery, rather than the landlord that is the landowner.
- Many of the commercial and industrial trading estates in Mole Valley are controlled by management companies, who would be authorised to give permission on behalf of the landowner

If my application is referred to the Licensing Regulatory Sub-Committee, what happens?

Officers will present a report to the Committee and the applicant will be invited to address the Committee.

After everyone has had the opportunity to speak the committee will then determine the application. They may be minded to;

- Grant the application
- Grant the application with amendments or additional conditions
- Refuse the application

The minutes for the hearing will be published on the council's website, giving reasons for the decision. There is no right of appeal against a decision made by the licensing authority on a street trading consent.

Generic Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the

dates of:

2. The operational hours shall be:
Between the hours of andon Mondays
Between the hours of andon Tuesdays
Between the hours of andon Wednesdays
Between the hours of andon Thursdays
Between the hours of andon Fridays
Between the hours of andon Saturdays
Between the hours of andon Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The trader shall at all times, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business and deposited on the highway by the customers.
7. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, EC Regulation 852/2004, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
8. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
9. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
10. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
11. The consent holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
12. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a consent holder or

operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.

13. The consent holder's vehicle or stall shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
14. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
15. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
16. A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to business partner or a member of the consent holder's immediate family in the event of the consent holder's death or incapacity on payment of a fee.
17. The sub-letting of a street trading consent location is prohibited.
18. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
19. The consent holder may terminate a street trading consent by written notice to the relevant licensing team. A refund of the portion of the fee equal to the remaining full months (not less than three months) may be payable.
20. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
21. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
22. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
23. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
24. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Annex 2

Generic Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 500 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The trader shall at all times, whilst trading, provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of the day's trading. The trader shall collect any litter or food waste originating from the business and deposited on the highway by the customers.
11. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, EC Regulation 852/2004, the Food Safety Act 1990 and associated regulations, The Food Hygiene (England) Regulations 2006 and the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
12. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
13. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
14. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.

15. The consent holder's vehicle shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.
16. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
17. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
18. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
19. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
20. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
21. A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to business partner or a member of the consent holder's immediate family in the event of the consent holder's death or incapacity on payment of a fee.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team. A refund of the portion of the fee equal to the remaining full months (not less than three months) may be payable.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading

outside of the location or times specified in the street trading consent.

A vibrant place to live,
work, and enjoy

Document history

| Version date | Key changes made | Consultees | Approved by |
|--------------|------------------------------|--|--|
| 1.0 | Implementation of New Policy | Existing Trade; Public; Councillors; Surrey Police; Surrey Fire & Rescue Service; Surrey CC Highways & Trading Standards; MVDC Planning, Environmental Health, Economic Development, Community Safety, Parks & Environment | Licensing Committee – 30 th November 2023 |

Responsible Officer: Aneurin Hughes
Last updated: November 2023
Approval of changes: 30th November 2023
Next update due: June 2026