

Local Government (Miscellaneous Provisions) Act 1982

STREET TRADING

## **Accompanying Guidance Notes for Applicants**

### **INTRODUCTION**

For **new** applications you cannot trade until you have been issued with a consent. **All** applications are subject to a 28 day consultation period.

There are 3 types of applications to choose from.

1. New applicants
2. Renewal
3. Adding new traders to existing market-style application

Option 3 is available to market style current consent holders only. Current consent holders may apply to add additional stall holders that wish to trade as part of their market. This allows the consent holder to increase the overall pool of traders available to them within the period of the existing consent. This service does not allow the consent holder to increase the maximum number of traders per day. There is no fee for this service.

A successful Applicant will be known as a consent holder. It is the responsibility of the consent holder to ensure that appropriate planning for the event or stall is undertaken. This includes having all the appropriate permissions in place. Where necessary the applicant must apply and pay for these separately. The Licensing Team may request proof of these permissions before the issue of a consent.

Enforcement Officers may be visiting the event or stall during trading, set up or dismantle. The Applicant/Consent Holder or person delegated by the consent holder must have the authority, knowledge and integrity to speak with enforcement officers and where necessary, make changes to the stall/event to ensure there is no obstruction or safety in the street, nuisance or annoyance caused.

If you sign up for an account to manage your application, you will be able to save your application form and return to complete.

### **Temporary Event Notice (TEN) / Premises Licence**

A TEN or Premises Licence is required to hold an event with:

- The retail sale of alcohol, and/or
- The provision of public entertainment, and/or
- The provision of late night hot food or drink (between 11pm -5am)

A TEN authorises licensable activities on unlicensed premises for a limited time, where no more than 499 people are in attendance at any one time. Further information is available at [www.reading.gov.uk/licensing](http://www.reading.gov.uk/licensing)

### **APPLICANT DETAILS**

The Consent Holder/Applicant is responsible for ensuring that there is no obstruction or safety in the street, nuisance or annoyance caused and that there is compliance with all relevant legislation. Failure to ensure compliance with the above and the street trading consent conditions may mean the consent will be withdrawn, the consent holder/applicant may be refused a future consent or the consent holder/applicant may be prosecuted.

From 1st January 2019, the applicant will be required to provide a BASIC DBS certificate dated within ONE MONTH of the date of application for trading consent. Please ensure that an application for a DBS check has been made in good time as failure to provide a DBS certificate will hold up this application.

Applications can be made online <https://www.gov.uk/request-copy-criminal-record>

Email [licensing@reading.gov.uk](mailto:licensing@reading.gov.uk) - a copy of the original DBS certificate or certificate number or Online check code, if using a DBS update service - <https://www.gov.uk/dbs-update-service>

### **ORGANISATION DETAILS**

The applicant/consent holder has responsibility for the consent. Where the applicant/consent holder is applying on behalf of a Company, partnership or voluntary organisation, this information is considered where enforcement may be required under other legislation.

## **TRADING ARRANGEMENTS**

*Single Trader:* Applicant/consent holder selling from one stall.

*Market-Style:* Applicant/consent holder managing and/or selling from a group of stalls.

Each trading space (e.g. stall, stand, vehicle or pitch) is restricted to an individual seller and is defined as an area of no more than 3m<sup>2</sup>. Where the space includes more than one seller and/or exceeds this size, it will be considered as a multiple trading space.

For market style applications - the consent holder is responsible for ensuring that only the maximum number of stall holders trade as indicated in the consent.

Organisers of an event will need to hold **Public Liability Insurance (PLI)** for a minimum of £5m per claim which will cover all traders. The insurance should include the structures, goods and persons operating the stalls including the build and dismantling of the event.

All Applicant/Consent Holders must have proof of arrangement to use **toilets and waste collection & disposal** for the event or stall. Written proof is not required on application however it may be requested on site by an enforcement officer. It is not appropriate to assume that you will be covered by general facilities provided in the location.

## **MARKET-STYLE TRADING**

Where the Consent Holder/Applicant has applied to run a market style operation, he/she must ensure that the following documentation has been checked for each of the stall holders.

- Stall Number (should correlate with plan)
- Stall Name
- Stall Owner
- Stall Owner Address
- Stall Owner Email
- Name of stall manager at the event
- Description of articles or food to be sold

**For food stalls where unwrapped food/high risk food is sold:**

- Name of local authority where the food business is registered
- Current Food Hygiene Rating of stall
- Date of NVQ Level 2 certificate in food hygiene (less than 3 years old) for stall manager present

- Description of power used (i.e. bottled gas, mains electricity, petrol/diesel generator, battery powered device)

**For stalls where alcohol is sold:**

- Name of personal licence holder
- Personal licence number

The Site Manager must be able to provide an enforcement officer with evidence of these documents on the day:

- Public Liability Insurance for any trader used as determined by your risk assessment
- NVQ Level 2 Food Hygiene Certificate less than 3 years old for each stall manager (for food traders)
- Copy of personal licence holder certificate (alcohol sales only)
- Gas Safety Certificate (where appropriate)

**REFUND POLICY**

- If an application is refused or withdrawn before any process has been carried out, we will levy a fee of 15% or £75.00 whichever is the greater.
- If an application is refused or withdrawn after the process has started, we will levy a fee of 30% or £140.00 whichever is the greater.
- If an application progresses to Committee hearing, but is unsuccessful we will levy a fee of 50% or £300.00 whichever is the greater.
- Where the consent is granted there will be no refund given.

**DECLARATION**

The Consent Holder will be responsible for ensuring that all stall holders and their assistants are suitable to be at the event and do not hold unspent convictions or have any other enforcement action pending which would make them unsuitable. A BASIC DBS check will help to identify any unspent convictions.

**FEES**

Any total fee less than £850 or has a consent term of less than 12 months must be paid IN FULL at the time of application.

Where the fee is more than £850 then payment can be made in full OR ALTERNATIVELY where the fee is greater than £850 you can pay a deposit of £500 that must accompany the application. The remainder of the fee must be paid by direct debit.

If you wish to pay the £500 deposit and set up a direct debit there will be an additional administration charge of £52 per application.

## **DIRECT DEBIT**

The direct debit will be made in 10 equal monthly instalments and taken from your account on 15<sup>th</sup> of the month. The direct debit agreement will be accessible on the Pa and must be completed with the application if appropriate.

Where an agreement is in place and the consent holder fails to make two instalments within any 12 month period, the trading consent may be revoked.

The direct debit will be set up 14 days after your application has been submitted. For example: if you submit your application on 1<sup>st</sup> June, the first direct debit will be taken from your account on 15<sup>th</sup> June.