



STOWMARKET TOWN COUNCIL

Street Trading Policy & Application Forms

Date approved:	04.12.13
Date of next review:	December 2016
Related policies/procedures:	Policy Statement on Trading, Town Trading Regulations

1. Purpose

- 1.1 Stowmarket Town Council aims to create a street trading environment which complements premises and market based trading. It is sensitive to the needs of residents and visitors, provides diversity and consumer choice and seeks to enhance the character, ambience and safety of the local environment.
- 1.2 The policy recognises the importance of street trading to the town of Stowmarket and that it can add to the vibrancy and vitality whilst not creating nuisance, crime and disorder.

2. What is street trading?

- 2.1 Street trading means 'selling, exposing or offering for sale any article (including a living thing) in a street'. The term 'street' includes any road, footway or other area to which the public have access without payment and which is owned by Stowmarket Town Council.
- 2.2 Some types of trade are legally exempt from the need to obtain a street trading consent or licence. These include:
 - A person trading under the authority of a pedlars certificate granted under the Pedlars Act 1871
 - Trade carried out by a roundsmen e.g., milkmen
 - Trade carried on at a petrol filling station
 - A market created by statute or grant such as our Stowmarket market
 - Trading as a news vendor
 - Trading in and around shops
 - Charity collections which are governed by other legislation
- 2.3 Consents or licenses may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location without causing obstruction, nuisance or annoyance.

3. Street trading consents or licenses for which fees are not payable

- 3.1 Stowmarket Town Council will not require the payment of fees for the following street trading activities:
 - Fetes, carnivals or similar community based and run events
 - Non-commercial or charitable events
- 3.2 Please note that:
 - Commercial fetes, carnivals and similar community based and run events are not exempt

4. Application for permission to trade

- 4.1 Applicants are required to complete the appropriate application form (see [Appendix A](#) or [Appendix B](#)).
- 4.2 Applications received will be publicised via the Town Council's website and, in normal circumstances, a period of 14 days shall be allowed for representations.
- 4.3 Applications for Street Trading Permits shall be considered on the basis of their individual merits and determined by the Town Clerk in consultation with a Panel of 3 Members of the Town Council who shall be Members of the Council's Risk Management Committee (only new objections not considered within this report shall be given any significant weight with regard to trading by the ice cream van). The Panel will consider the following issues when deciding whether to approve an application:
- Impact on the character of the surrounding area
 - Exiting Traffic Orders e.g., waiting restrictions, parking
 - Any effect on road safety, either arising from the position of the pitch or from customers visiting or leaving the pitch
 - The safe access and egress of customers and staff from the pitch and business in the immediate vicinity
 - Any potential obstruction of pedestrian or vehicular access
 - Any obstruction to the safe passage of pedestrians
 - Any obstruction for the safe passage of disabled persons whether walking with aids or using wheelchairs and mobility scooters
 - Overall health and safety considerations
 - Any loss of amenity caused by noise, traffic or smell
 - Public Liability Insurance and any appropriate Health & Hygiene certificates are in place
- 4.4 There should be no general restriction applied to the number of market or non-market days on which a trader, including an ice cream van, may undertake street trading in the town centre (with the exception of Sundays which shall be at the discretion of the Town Council);
- 4.5 An application will be granted for prescribed dates for particular events or, for up to a maximum number of trading days per week in respect of an annual, seasonal or monthly street trading permit;

Fee structure

The fee is £1.45 per foot frontage per day.

The minimum charge of frontage is ten feet, to a depth as agreed with the Town Council.

The cost for each plug in will be £3.90 including VAT per day. The electric box will be opened by the Market Officer on the day.

Market fees shall be paid to the Town Council either on each day of trading, monthly by way of an invoice or quarterly, in advance, strictly within 14 days of the invoice - this method attracts a 10% discount. (Quarters commence on 1st April, 1st July, 1st October & 1st January).

Traders shall use only the stall or ground paid for.

Traders shall not withhold payment of charges for any reason.

An official receipt will be given for charges paid. The receipt must be retained for the duration of the day's trade and made available for inspection on demand by the Market Manager or any authorised official acting for the Town Council.

The Town Council reserve the right to review charges as they see appropriate.

Failure to maintain payments as above may result in the permission not being renewed or being revoked.

5 Credits and refunds

- 5.1 If a permit is surrendered for cancellation within normal office hours and 24 hours prior to trading a credit will be permitted.
- 5.2 The Town Council reserves the right not to grant a credit if a permit is presented for cancellation (in full or part) with less than 24 hours notice.

6 Trading conditions

- 6.1 Street trading hours are 8 a.m. until 4 p.m. Trading shall not take place before or after these times and stalls on the Market Place shall be vacated within 2 hours of the official closing time.
- 6.2 Traders must comply with all current National and Local Legislation.
- 6.3 The design and appearance of the stall, barrow van or cart etc. used must be agreed by the designated the Market Officer and must comply with any and all regulations as issued by the Town Council which are subject to review.
- 6.4 Public Liability Insurance cover is required by all traders attending the Town Council's markets. This insurance indemnifies the Council against any claims made against them arising out of the actions of traders using the Town Council's markets. The current level of cover required is £10 million.
- 6.5 Street trading consents/licences will normally be issued for a period of up to one year but new pitch consents will be issues for a trial period not exceeding 3 months. Consents and licenses for shorter periods may be issued for block bookings for the purpose of organised street markets, mobile street artists and local festivals.
- 6.6 Occasional Street Trading Consents can be obtained if someone wishes to trade on a spontaneous basis i.e. to raise money for a charity or a visitor to the area from outside the town (see [Appendix B](#)).
- 6.7 Consents will be available on 7 days per week unless there are limiting factors on the use of a pitch on particular days. The permissions will identify the days of trade.

- 6.8 A consent/licence cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent/licence by reason of having been convicted of an offence or for any other reason.

7 Goods to Be Sold / Changes in Listed Goods

- 7.1 The nature of goods which may be sold from any pitch will be specified in the consultation/application process. Any subsequent substantial change will be assessed by officers.
- 7.2 A trader shall sell or expose only those goods authorised by Stowmarket Town Council upon his/her registration document.
- 7.3 Stowmarket Town Council does not guarantee that there will not be stalls selling the same or similar goods as others.
- 7.4 Any request for additions or changes in the type of goods must be submitted in writing to the Town Council for consideration. The Town Council's decision will be final.
- 7.5 No trader shall store, display or sell on the market any explosive materials, fireworks, hazardous liquids, bulk gases.*
- 7.6 No trader shall store, display or sell on any livestock on the market ground.*

Stowmarket Town Council reserves the right to make adjustments to the rules outlined in 10.4 and 10.5 in the case of special circumstances and events

- 7.7 No trader shall store, display or sell any substance which might be a source of danger to anyone attending the market.
- 7.8 No trader shall store, display or sell on any market ground any item which is offensive to public taste and morals. The Council decision will be final and binding.
- 7.9 No trader shall store, display or sell on the market any drug considered a legal intoxicant without the express permission from Stowmarket Town Council.

8 Employment of Children and Young Persons

- 8.1 Market traders must comply with all relevant legislation including but not limited to the Children and Young Persons Act 1933, various Education Acts, Health & Safety at Work Regulations 1999 and the UN Convention on the Rights of the Child 1991.

9 Conduct of Traders

- 9.1 Market traders, their agents and/or employees paid or unpaid, are required to conduct themselves, whilst attending the markets, in an orderly manner and not use their trading positions so as to cause annoyance, inconvenience or concern to any other users of the market.

- 9.2 No registered traders may do anything on the stall and/or on the market which will contravene any statute, regulations or bye-laws relating to the market which may from time to time be in force.
- 9.3 Any observed breach of the Market Regulations will result in a warning letter being issued to the trader. This letter will remain on file for a period of 52 weeks. In the event of a second breach of the Regulations within a 52 week period, the trader will be suspended from trading on the market for a period of not less than 1 week.
- 9.4 Should a trader offend on a third occasion within the 52 week period of the original warning letter, the trader will have his/her registration cancelled and not be permitted to trade on any of the Town Council's markets in the future.
- 9.5 If, in the opinion of the Town Council, a market trader has caused, permitted or has become culpably involved in a serious breach of good order or has been convicted of a serious criminal offence, the trader will be suspended immediately from attending the market. The Council may then terminate the trader's licence(s) or may extend the suspension or end the suspension.
- 9.6 Charges will be levied during any period of suspension, at the same rate as if the trader had attended the markets, whether their reserved stall is temporarily reallocated or not.

10 Complaints Procedure

- 10.1 All traders are advised to contact the Market Officer if they are dissatisfied with any aspect of the market. The Market Officer will consider the complaint and try to resolve it.
- 10.2 If the complaint remains unresolved, market traders should put their complaint in writing to the Public Services Manager who will review the complaint and respond.
- 10.3 If the Public Services Manager is unable to resolve the complaint, market traders can request a review by the Town Clerk of their complaint and the actions taken to date. The Town Clerk's verdict is final.

11 Amendments

- 11.1 The Council may amend these Regulations at any time following consultation by the Market Officer with Council representatives.
- 11.2 Any amendment to these Regulations will be put in writing to the Traders not less than six working days or one working week prior to the date when the amendment shall come into effect

**APPENDIX A****Application for street trading consent**

Please answer all questions using BLOCK LETTERS and ensure the attachments requested are included with the form. Any missing or unclear information WILL result in the form being returned to you.

I/We hereby make application to trade on the Market Place and submit the following particulars:

Full name	
Date of birth (applicants must be over the age of 17)	
Address	
Telephone number	
Email address	
Description of goods to be sold (if food, state whether cooked, uncooked, hot/cold, pre-packed, unwrapped)	
Type of vehicle/stall/trailer to be used and registration number (if applicable) (Include dimensions and enclose a photograph)	
Desired days of trading	
Desired times of trading	
Trading location	
If available, I require electricity	YES/NO
List of electrical items being used	
Are there any prosecutions against you, pending?	YES/NO
If 'YES' please state alleged offence and date of court hearing.	
Details of previous convictions (do not include spent convictions)	
Details of Public Liability Insurance (Include Name and address of insurance company, policy number, expiry date, amount of cover)	

Provide and attach at least 2 references (Referees' full addresses and telephone numbers are required)	
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I wish to apply for a daily/weekly/monthly/quarterly* Consent and have enclosed the appropriate payment.

*(Please delete as appropriate)

I confirm that if using electricity, all electrical items are safe and sound to the requirements of statutory regulations and that I will be using an electric heater.

I certify that, to the best of my knowledge and belief, the above particulars are correct.

Signed

Date

Please forward your completed application to:

Market Officer
Stowmarket Town Council
Milton House
Milton Road South
Stowmarket
IP14 1EZ

**APPENDIX B****Application for occasional street trading consent**

Please answer all questions using BLOCK LETTERS and ensure the attachments requested are included with the form. Any missing or unclear information WILL result in the form being returned to you.

I/We hereby make application to trade on the Market Place and submit the following particulars:

Full name	
Date of birth (applicants must be over the age of 17)	
Address	
Telephone number	
Email address	
Description of goods to be sold (if food, state whether cooked, uncooked, hot/cold, pre-packed, unwrapped)	
Type of vehicle/stall/trailer to be used and registration number (if applicable) (Include dimensions and enclose a photograph)	
Desired days of trading	
Desired times of trading	
Trading location	
If available, I require electricity	YES/NO
List of electrical items being used	
Are there any prosecutions against you, pending?	YES/NO
If 'YES' please state alleged offence and date of court hearing.	
Details of previous convictions (do not include spent convictions)	
Details of Public Liability Insurance (Include Name and address of insurance company, policy number, expiry date, amount of cover)	

Provide and attach at least 2 references (Referees' full addresses and telephone numbers are required)	
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I wish to apply for a daily/weekly/monthly/quarterly* Consent and have enclosed the appropriate payment.

*(Please delete as appropriate)

I confirm that if using electricity, all electrical items are safe and sound to the requirements of statutory regulations and that I will be using an electric heater.

I certify that, to the best of my knowledge and belief, the above particulars are correct.

Signed

Date

Please forward your completed application to:

Market Officer
Stowmarket Town Council
Milton House
Milton Road South
Stowmarket
IP14 1EZ