



STREET TRADING POLICY

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Content

PAGE NO

1. Introduction
 2. Role of Buckinghamshire Council in regulation of street trading
 3. Application types and process
 4. Advertising and consultation
 5. Decision making criteria
 6. Decision making process
 7. Refusal and right of appeal
 8. Duration of consent and fees
 9. Conditions and enforcement
-
- | | |
|------------|--|
| Appendix 1 | Map of Buckinghamshire Council area |
| Appendix 2 | Template notice for advertisement of application |
| Appendix 3 | Conditions for street trading consent |
| Appendix 4 | Conditions for mobile street trading consent |

1.0 Introduction

1.1 Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate it into other accessible formats. If you have other accessibility needs, please contact the licensing service at licensing@buckinghamshire.gov.uk

1.2 Buckinghamshire Council

Buckinghamshire Council came into effect on 1 April 2020, bringing together the former Buckinghamshire County Council, and the four district councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe. The county has a population of over 550,000 residents and includes the towns of Buckingham, Winslow, Aylesbury, Wendover, Princess Risborough, Chesham, Amersham, High Wycombe, Beaconsfield and Gerrards Cross. The county has a significant amount of rural space with over a quarter of the county within the Chilterns Area of Outstanding Natural Beauty and a further third is covered by the Metropolitan Green Belt.

A map showing Buckinghamshire Council's area is shown in Appendix 1.

A search can be carried out to see if an address or possible street trading location falls within this area through the local authority finder <https://www.gov.uk/find-local-council>

A map of streets maintained by Buckinghamshire Council is available via this [link](#).

This policy has been written taking into consideration the following 4 key priorities identified in the [Buckinghamshire Council Corporate Plan 2020 to 2025](#):

- Strengthening our communities
- Improving our environment
- Protecting the vulnerable
- Increasing prosperity

Licensing has a crucial role to play in achieving these goals, through the formulation of policy, decision making, promotion of best practice and enforcement activities.

1.3 Information and data sharing

In the interests of protecting public funds, Buckinghamshire Council reserves the right to use any information or data submitted as part of an application, renewal, administration or compliance or enforcement process for the prevention and detection of fraud and crime.

Data held will include name, address, telephone number(s), e-mail address(es), date of birth, national insurance number alongside information about criminal history, driving

record and right to work in the UK. This information will have been provided as part of the application process.

This information is required so that applications can be processed and consents granted.

Buckinghamshire Council may share applicant's information internally and we reserve the right to check the information provided by applicants for accuracy and to detect crime. We may share applicant's information with other statutory/ regulated authorities and agencies or if it is required by law. Other parties may include the Disclosure and Barring Service, the Department for Work and Pensions, The Home Office, The Police, the DVLA, HM Revenues and Customs and other local authorities.

Further information about how Buckinghamshire Council processes data and contact details for the council's Data Protection Officer can be found at: [Privacy | Buckinghamshire Council](#)

1.4 About this policy

This is Buckinghamshire Council's first published street trading policy statement, "the Policy." The Policy replaces any street trading policies adopted by the former district councils of Aylesbury Vale, Chiltern, South Bucks and Wycombe relating to street trading consents.

Whilst there is no legal requirement for Buckinghamshire Council to adopt a policy relating to street trading, a policy benefits all interested parties, providing a clear and consistent framework which sets out the council's approach to regulating street trading.

The Policy sets out how Buckinghamshire Council will:

- Specify the criteria that applications for street trading authorisations are considered against, detailing what is expected from applicants and the conditions that authorised traders must generally comply with.
- Encourage a street trading environment which, whilst sensitive to the needs of the public, also provides quality consumer choice and complements the surrounding environment and retail offer, enhancing the character of the Buckinghamshire area, whilst ensuring public safety and preventing crime, disorder, and nuisance.
- Provide council officers with guidance on how to determine applications for authorisations against the specified decision-making framework.
- Work to ensure that there is a level playing field for street traders operating in the council's area, ensuring that all traders are compliant with the council's requirements.

The Council has widely consulted in the formulation of this Policy, including the following:

- Those who currently hold a street trading consent.
- Existing traders who do not require a consent under legacy policies/arrangements.
- Buckinghamshire Council's Licensing Committee.

- Ward Councillors.
- Town and Parish Councillors.
- Community Boards.
- Cabinet Member for Homelessness and Regulatory Services.
- Thames Valley Police.
- Buckinghamshire Fire & Rescue Service.
- Local residents and businesses.
- Buckinghamshire and Surrey Trading Standards.
- Other internal council service areas such as Environmental Health, Community Safety, Economic Development, Highways, Public Health and Planning.

The Policy supports Buckinghamshire’s Joint Local Health and Wellbeing Strategy (2022-2025) priority to reduce child obesity and contribute to the council’s whole systems approach to a healthy weight.

To ensure that the Policy remains fit for purpose, it will be reviewed as legislative changes occur and updated accordingly, with a formal review being carried out at least every 5 years. We may make minor amendments to this Policy with the agreement of the Chairman of the Licensing Committee, Cabinet Member for Homelessness and Regulatory Services and the Head of Service for Licensing.

1.5 What is street trading?

Section 3 and [Schedule 4 of the Local Government \(Miscellaneous Provisions\) Act 1982](#) (referred to onwards as ‘the Act’) gives local authorities the power to consent, licence or prohibit street trading across the whole of their district, or limit it to certain areas.

The Act defines street trading as the ‘selling or exposing or offering for sale of any article (including a living thing) in a street’.

A ‘street’ is defined as:

- (a) Any road, footway, beach or other area to which the public have access without payment, and
- (b) A service area as defined in Section 329 of the Highways Act 1989 (‘An area of land adjoining, or in the vicinity of, a special road, being an area in which there are, or are to be, provided service stations or other buildings or facilities to be used in connection with the use of the special road’)

Street trading legislation is adoptive and may be used to regulate the sale or offering for sale of anything in a street as defined above. The definition is not limited to the public highway and can include the public realm and private, but publicly accessible areas, such as retail shopping centre car parks and open spaces.

2.0 The Role of the Council in the regulation of street trading

Under the Act, councils can choose whether they wish to control street trading within their areas. In adopting the relevant provisions of the Act, a council has various options in terms of its approach to regulating street trading activity. Streets may be designated:

- “Prohibited streets” where no trading may take place
- “Licensed streets” where a licence is required to trade, and
- “Consent streets” where a consent is required from the Council.

Councils can also choose to introduce any of these controls in specified streets only and leave other streets unregulated.

Buckinghamshire Council has resolved to introduced controls across the whole district and further resolved that all streets are designated as ‘consent’ streets for the purposes of street trading. The council has decided to introduce consents as it allows the authority to regulate the street trading activities across all areas that members of public may freely access. Consents are suited to the types of trading that takes place in Buckinghamshire Council’s area, such as food vans and mobile traders.

This means that anyone who wants to trade in a street in the Buckinghamshire Council area needs to get permission first, because all streets are now consent streets, unless one of the legal exceptions or local dispensations apply, see 2.2 and 2.3.

As specified in the Act, a person can only be granted consent if they are aged 17 years or older. A consent can be issued for up to 12 months and might include permission to use a stationary van, cart, barrow or other vehicle or a portable stall. It is unlikely that Buckinghamshire Council would authorise trading from a permanent installation.

The council is required to act reasonably and be consistent with its general obligations, however consents are granted or refused at the council’s discretion. The council will take all relevant matters into consideration, including information provided as part of the application process before making a decision to grant, refuse or revoke a street trading consent.

There is no statutory right of appeal against any decision made in respect of a street trading consent. Nonetheless the council has provided an internal right of appeal which is set out at section 7. A street trading consent can be granted for up to 12 months and may be revoked at any time.

The council is able to attach any reasonable conditions to the grant or renewal of a street trading consent. The council is also able to vary the conditions attached to existing consents at any time should it be deemed necessary. If any such variations are to be made the consent holder will be notified in writing and they will take effect immediately or on another date as specified.

2.1 Consent Street

All streets in Buckinghamshire Council’s area have been designated as consent streets. This means that any person who wishes to sell items in a street must first obtain a street trading consent from Buckinghamshire Council.

A street is defined in law as:

Any road, footway, beach or other area (private or public) provided the public have access without payment.

To decide if an area is a street, where the public can go without paying any money, the council asks,

"Can a member of the public freely enter the area to see the goods for sale without having to pay any money?"

If the answer to this question is yes, then the area is considered a street and an application for consent is required. Court decisions have shown that if trading happens in an area where the public can access without payment (even if the public did not go there) it is a "street" and needs permission to trade there. See [West Berkshire DC v Paine \[2009\]](#).

Public areas where trading consent is required include, by way of example:

- Public parks, playing fields, commons and riverbanks.
- Town centre, industrial estates and retail shopping centre car parks.
- Car parks attached to pubs and restaurants during opening times.
- Railway station car parks.
- Private fields temporarily opened to the public.
- Caravan parks.
- Parking bays and verges off the public highway.
- Hospital car parks.

If you wish to trade on an area of private land that does not fall within the above definition, please speak to the Licensing Service as a street trading consent may still be required.

Buckinghamshire Council does not maintain a list of suitable street trading locations. Instead, those interested in becoming a street trader should use this Policy, and the decision making criteria to identify suitable trading locations.

2.2 Legal exceptions

The Act states that the following activities are not 'street trading' and therefore consent is not required for:

- (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 right to hold which was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980

- (d) Trading as a newsvendor i.e., the sale, exposure or offer for sale of newspapers or periodicals, except from a stall or receptacle that exceeds the dimensions set out in schedule 4 of the Act.
- (e) Trading which:
 - (i) Is carried on at premises used as a petrol filling station; or
 - (ii) Is carried on at premises used as a shop or in a street adjoining premises so used as part of the business of the shop (such business must not obstruct the highway or payment area).
- (f) Selling items or offering or exposing them for sale as a roundsman. For example, a person who makes pre-ordered deliveries of milk or bread within a given locality. Selling ice cream from a van is not classed as a roundsman as the ice-cream is not pre-ordered. See the case of [Kempin \(T/A British Bulldog Ice Cream\) v Brighton & Hove Council \[2001\]](#).
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
- (h) The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980. For example, the use of table and chairs by customers that are placed outside of premises that are subject to current pavement licence.
- (i) The doing of anything authorised by regulations made under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 i.e., the collection of money or selling of articles for the benefit of a charity or other similar cause.

2.3 Local Dispensation from Street Trading Consent

Buckinghamshire Council will not enforce the requirement for a consent in the following limited circumstances:

- (a) Non-commercial events. Trading at community-based events, run for non-commercial purposes, such as a fete or school fund raising activity, do not require consent. Where any of the profit from trading is retained by the trader for private gain, and not passed to the organisers of the event for use in, or by, the community concerned, then the activity is not exempt and will require a consent. In deciding whether a “non-commercial” event is given dispensation, Buckinghamshire Council Licensing Officers will consider who is running the event, what the purpose of the event is and, if any profit is made, if that goes to the organiser or the community/not for profit organisation. Organisers of non-commercial events may be asked to submit a return to the council that shows the expenses and income from the event to ensure it complies with the dispensation.
- (b) Shopping centres. Traders that are set up within covered shopping centres, arcades or similar do not require consent. Traders will require permission from the landlord/landowner. Outside areas which are freely accessible to the public will require consent.
- (c) Working farms. Goods sold from working farms at the premises where they were produced do not require consent.

(d) Residential properties. The sale of unwanted household items, for example through garage sales or online sales, or produce, such as homegrown fruit and vegetables, as long as this takes place within the grounds of the residential property, do not require a consent.

(e) Used vehicles. The domestic sale of a second hand car by its owner will not normally be considered as street trading.

The council will only consider a vehicle owner to be street trading if:

- the vehicle is placed outside of a reasonable radius of the owners residential property,
- the vehicle is exposed in a prominent position where it can be viewed by the public without sufficient reason,
- any person selling more than one vehicle at a time or with such frequency so as to indicate a business, will be considered to be trading from the street.

2.4 Trading on council land

Anyone wishing to trade on Buckinghamshire Council owned land must get permission from the relevant department of the council to do so before applying for a street trading consent. Examples of council owned land may include car parks, parks and other open spaces. If a trader already has a parks licence, lease or similar then they may be exempt from requiring a street trading consent. Please speak to the [Licensing Service](#) in this circumstance.

2.5 Traders with multiple fixed sites

Some street traders may visit different locations across the district to trade during the week. For instance, on a Monday, they may trade from a location in Aylesbury, Buckingham on Wednesday and then Chesham on Saturday. The council requires these traders to apply for a consent for each separate location, however a reduced fee may be charged for those seeking consents for multiple sites.

2.6 Peripatetic traders

Some businesses may wish to trade by continually moving from location to location across Buckinghamshire Council's area. For example, ice cream vans, coffee vans and similar traders.

It is recognised that this type of trader will only be in one location for a short period, typically no longer than 20 or 30 minutes, before moving on. As a result of this, such traders may apply for a 'Peripatetic street trading consent.' The Peripatetic street trading consent will be based on the maximum number of hours they wish to trade for per day.

This type of street trading consent will be subject to conditions that mean individuals will not be allowed to trade for more than 30 minutes from any single location per day, and each new trading location must be at least 50 metres apart in any 24 hour period. This reflects the transient nature of their operation. Trading in one location for longer than 30

minutes will mean the trader needs to apply for a street trading consent for the street concerned.

The council will consider restricting mobile operator street trading consents if issues develop with multiple traders visiting the same location. Any issues that arise will be considered on a case-by-case basis.

2.7 Event Consents: Community events, fetes, carnivals and special events

Buckinghamshire Council wishes to support local events, which may also include an element of commercial activity and therefore would not be considered exempt from controls. Such events may involve invited commercial traders and also attract speculative traders that are not part of the event but will trade close to the event. The council will regulate trading at these events to safeguard the public and event organisers.

However, in order to simplify the procedure, the organiser can obtain one event consent for the whole occasion. In such circumstances, the organiser will be responsible for gathering the relevant information from all individual traders and providing it to the council, instead of each trader applying on their own for an individual consent. This information includes:

- date,
- trading location,
- traders' full names and trading as names (if applicable),
- business and residential addresses,
- vehicle registrations,
- contact telephone numbers and email addresses,
- items traded,
- other information considered relevant.

The event consent will allow Buckinghamshire Council to collaborate with town and parish councils, community event planners and businesses that want to enhance an area through more community unity, more visitors and economic advantages.

The council will consider granting event consents to organisations or individual traders either on a one-off or annual basis.

2.8 Other regulatory requirements

Food Business Registration

Where an applicant's street trading involves providing food and or drink, they must be registered with the appropriate council as a food business, as well as holding a street trading consent.

The council expects traders to maintain good standards of hygiene. Traders who sell food and or drink will, as a condition of their consent be required to achieve and maintain a minimum food hygiene rating of 3 or above unless otherwise permitted to trade by the council pending an inspection.

The council may decide to refuse to grant a street trading consent or revoke one which has been granted where the applicant has a rating of less than 3.

Licensing Act 2003

The provision of late-night refreshment (hot food and drink between 23:00-05:00 hours) and the sale by retail of alcohol are licensable activities under the Licensing Act 2003, any consent holder wishing to provide either of these activities will also require a premises licence or temporary event notice (TEN) from the council.

The council may refuse to grant a street trading consent or revoke one which has been granted, where the applicant or consent holder cannot demonstrate that a premises licence or TEN is in place, where one is needed. For further advice on licensing requirements, please contact the [Licensing Service](#).

Planning

Planning permission may be required in addition to a street trading consent in some instances.

A person intending to apply for a street trading consent should also check to see if planning permission is required before making their application. For further advice please contact Buckinghamshire Council's [Planning Service](#).

The Council may refuse or revoke a consent in the event of the holder being in breach of planning legislation.

3.0 Application types and processing

The council is unable to advise on the business merits of an application or the commercial suitability of a location.

The council's considerations in determining whether to grant a consent are set out in section 5 and applicants should take these into account when deciding where to trade.

Application forms and guidance are available from the Licensing Team and can be found on the council's website [Business licences and permits | Buckinghamshire Council](#)

3.1 New street trading consent application:

Applicants that are considering make a street trading consent application for the first time are advised to contact Buckinghamshire Council's [Licensing Service](#) at the earliest opportunity should they have any queries. This allows officers time to provide advice and clarify any areas of uncertainty.

New applicants are required to provide the following information:

a) Application form

All applications must be made and submitted on the council's prescribed application form. This must be signed by the applicant and all information requested must be provided.

b) Applied for hours

Applied for hours can be on the hour, or at 15-minute intervals past the hour. Applications where a trader applies for limited hours to be used across a longer period, i.e. three hours between the hours of 3pm – 8pm will not normally be permitted.

c) Site and location plans

Applicants must provide a good quality location map or plan to scale of at least 1:1250 scale showing where the proposed trading activity is to take place from a fixed position. The applicant must clearly mark on the plan with a red line the exact position of the van, cart barrow or other vehicle or stall they intend to use in the location, drawn to scale. Applicants must also include a plan showing the dimensions of the intended trading area. If the stationary van, cart, barrow or other vehicle or portable stall includes a canopy, awning or hatch that will extend out, this must also be indicated on the plan and drawn to scale. The applicant must show the orientation of the van or stall so that it is clear where customers will stand to be served.

Officers will need to identify any neighbouring properties who may be affected, so it may be necessary for the applicant to submit a series of plans and/or maps of varying sizes and scales. Road names should also be included, where appropriate.

The applicant must include on the plan any additional furniture, containers, bins, signage or other items as well as the trading unit that they intend to use. It is important to note that should an applicant wish to provide tables and chairs for their customers or place any other items on the public highway, additional permission may be required such as a pavement licence.

If the plan(s) accompanying the application do not clearly indicate the proposed location and other required information accurately enough, the application is likely to be rejected.

Mobile traders are not required to provide location and site plans however they will be expected to provide details of their trading unit, including relevant dimensions, and a description of the intended trading locations.

(c) Types of articles the applicant proposes to sell

The applicant should accurately describe or list the types of articles (e.g. toiletries, clothes, food etc) that they intend to sell in their application. Should they be granted a consent, the types of articles they are permitted to sell will become a condition of the consent which, if breached, could result in revocation of the consent.

It is possible to request a change to the types of articles that are permitted to be sold by way of a variation to the consent once granted.

Buckinghamshire Council has determined that applications to sell any of the items listed below will usually be refused:

- Tobacco and/or tobacco products.
- E-Cigarettes (including vapes).
- Energy drinks to children below 16 years of age.
- Plastic and helium balloons.
- Sky lanterns.
- Single use plastics.
- Goods or paraphernalia which may be associated with illegal drug use.
- Merchandise displaying offensive language or sexually explicit images.
- Selling animals as pets in any part of a street or public place.

(d) Photographs of street trading unit to be used

A colour photograph, or series of colour photographs, which clearly show the stationary van, cart, barrow or other vehicle or portable stall, and other items to be used, including any design or artwork must be provided. If the unit is under construction, then a detailed illustration will need to be provided.

This does not apply to consent applications for events where there is to be multiple traders unless council licensing officers specifically request this information.

(e) Landowner Permission

Evidence must be provided, such as an email or letter from the landowner or party responsible for the land (including Buckinghamshire Council), that the applicant has been given permission to trade from the proposed location.

Private land does not exempt traders from street trading consent requirements if the public have access free of charge. Only where private land is self-contained, with no access permitted by members of the public, or there is a charge to enter the private land, can the trading be considered exempt from the requirement for a street trading consent.

(f) Insurance

A copy of a valid certificate of insurance covering third party and public liability risks for a minimum of £10,000,000.

If staff are employed a copy of a valid certificate of employer's liability insurance indemnifying the applicant for a minimum of £5,000,000 is also required.

(g) Vehicle documents

A current MOT certificate (excluding those vehicles that do not require an MOT) must be provided if a vehicle is being used as the street trading unit or in connection with the trading unit.

A copy of a valid vehicle insurance certificate for the vehicle to be used to trade from and for any applicable vehicle used in connection with the trading unit.

Evidence that the applicant is legally responsible for any vehicles used in connection with the trading arrangements. This could be the V5 or a lease agreement if the applicant does not own the vehicle.

(h) Applicant's documents

Applicants must provide a recognised form of photographic identification and proof of current residential address. The applicant is also required to provide a digital passport style photograph of themselves. These same details must be provided for all nominated assistants. If there are staffing changes it is the responsibility of the applicant/consent holder to notify the council and provide the same information for nominated assistant(s) before they may be permitted to work under the street trading consent.

A Basic Disclosure and Barring Service (DBS) certificate for the street trading applicant and any nominated assistant who will be employed is required. The certificate must be no more than two months old at the time of application. Those traders whose licence is in force at the time that this policy comes into effect will be required to submit a new Basic Disclosure and Barring Service (DBS) certificate at the time of their next renewal application.

Applicants must provide the council with a copy of their current DVLA driver's licence, (or licence for any employee if they are responsible for driving vehicles used for trading purposes). Applicants disqualified from driving, or with a history of poor driving, are likely to be refused unless they have alternate transport arrangements in place to the council's satisfaction such as a named designated driver.

To ensure that consent holders have the right to work in the UK, and that they do not employ anyone who does not have the legal right to work, applicants, and any employee, will be required to provide proof of their right to work. This can be evidenced either by obtaining a right to work share code, or for British and Irish citizens, producing their passport or other acceptable documentation. Further advice on how to prove your right to work is available [here](#).

It is not a legal requirement for a street trader to confirm that they are correctly registered for tax purposes, but the council will ask applicants to confirm that they understand their tax duties.

Applicants will also be asked to provide an environmental impact statement to demonstrate that they have considered the environmental impact/sustainability of their trading and this will be included on the application form.

(i) Gas and electrical safety

Electrical or gas equipment that will be used as part of the street trading activity must be in good condition, serviced and regularly maintained and tested for safety in accordance with the current applicable law or manufacturer guidelines. Guidance for gas safety in catering can be found [here](#) and electrical safety [here](#).

Some vehicles and stalls, especially if they are cooking food will be powered in a number of ways. This could be via an electricity supply from mains or a generator, LPG or a petrol motor. Certificates will be required confirming that any equipment of this nature has been installed correctly and any service requirements have been carried out.

(j) Waste Transfer Contract/Agreement or Waste Carrier Licence

Businesses have a duty of care to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. Evidence of such an agreement if applicable needs to be provided upon application. Guidance on how to dispose of commercial waste can be found [here](#).

(k) Fees

All applications are required to be accompanied by the relevant fee and paid in a manner prescribed by the council. It may be possible for traders to make an application fee and then submit monthly ongoing maintenance fees as an alternate to paying the full annual fee. Traders who have a poor history of paying fees on time are unlikely to be permitted to pay the fees in monthly instalments.

Incomplete applications are likely to be refused or rejected and the applicant will be advised what is required and will have 7 days to provide the outstanding information.

An application will be deemed to be valid once the completed signed application form, all relevant documentation and the appropriate fee have been received by the council.

Once an application has been deemed to be valid, it will be subject to a 28 day consultation, during which time the applicant will need to advertise the application. Further details on this requirement can be found in Section 4 of this policy.

3.2 Renewal of Street Trading Consent

Holders of existing street trading consents will receive a reminder approximately three months before the consent is due to expire. Failure to submit the renewal at least 28 days before expiry may lead to a delay in the consent being issued.

Existing consent holders are able to apply to renew their consent on exactly the same terms and conditions as before. For example, for another year and with the exact same conditions attached. In this instance it will not be necessary for the application to be subject to a 28 day consultation.

If a renewal application is not submitted before the current consent expires, the consent will lapse and a new application and associated documents will be required. No

application to renew a street trading consent will be determined until the appropriate fee has been paid. Once a consent has expired the trader is not authorised to continue trading until such time as they have been granted and issued a new consent.

In order to renew a street trading consent, the existing consent holder will need to provide the following documents:

- Renewal application fully completed and signed.
- Basic DBS certificate, issued within the previous 2 months.
- Insurance documents, current public liability and employers liability insurance.
- Vehicle documents, current MOT certificate and V5/ proof of ownership unless previously provided.
- DVLA driving licence, for applicant and any nominated assistants.

3.3 Change of owner/proprietor/consent holder

The Act makes no provision for the transfer of a street trading consent.

In circumstances where a consent holder wishes to relinquish his consent but another applicant wishes to apply for a consent on the same terms as the previous trader e.g. same location, trading times and days and types of articles with the same conditions, provided the new application is made prior to the previous consent being surrendered or revoked no new public consultation period will be required. Where the previous consent has been surrendered or revoked a new application will be required to be advertised in accordance with Section 4.

3.4 Variations to Consents

The Act allows the council to vary conditions attached to a street trading consent at any time.

If a consent holder wishes to change any of the conditions on their consent, they can submit a written request to vary the consent. Examples of where this may be required include:

- Change the days or times of operation.
- Move trading pitch or add an extra pitch.
- Change the style of trading unit.
- Changing the items for sale to include those not currently listed on the consent.

Requests to change conditions which restrict the types of articles that can be sold will generally be considered as minor. This means that a consultation will not be required, and licensing officers will consider the request and determine if it is appropriate to make the changes.

Requests to change or add pitches, changing the hours and days of operation and changing the style of trading unit the consent holder wishes to trade from will generally be considered as significant changes and will therefore be considered in the same way as a

new application. This includes a 28-day consultation, and the decision will be made using the criteria detailed in the policy.

3.5 Surrender of consents

A consent holder can at any time, surrender the consent if it is no longer required.

Where a consent holder surrenders their consent, the council may refund the holder a proportion of the application fee they have paid, once administrative costs having been deducted.

In order to surrender a consent, this request needs to be made in writing to the [Licensing Service](#) and the consent needs to be returned to the council.

4.0 Advertising and consultation of the application

The applicant must display a notice prominently at the proposed trading location for the consultation period of 28 days, to publicise the application. The applicant must provide photographic evidence to the satisfaction of the council that the notice has been displayed for the entire period.

The notice should be printed on A4 white paper and state the following:

- (a) The applicant's name.
- (b) The proposed days and hours of trading.
- (c) A description of the articles to be sold.
- (d) Representations both for and against the application must be submitted to the council, providing an email address to do so.
- (e) The date by which representations must be made i.e. the end of the consultation period.
- (f) Further details of the application can be found on the council's website.

A notice template is provided for applicants at Appendix 2

The notice must be displayed as close to the proposed site as is practical. The notice can be fixed to fencing, lamp posts or other form of street furniture or natural feature like a tree. The applicant is encouraged to regularly check the location of the notice and in the event that the notice is damaged to the extent that it cannot be read, or has been removed, the applicant is responsible for replacing it as soon as reasonably practicable.

The applicant must provide the council with a photograph of the initial fixing of the notice in place within 7 days of being notified the application is valid.

If the application is not considered to have been advertised properly, the consultation period may be extended. Once the consultation period has finished, it is the applicant's responsibility to remove the notice.

The council will consult with the following agencies or persons:

- Thames Valley Police.
- Buckinghamshire Fire and Rescue.
- Highways (Buckinghamshire Council).
- Environmental Health (Buckinghamshire Council).
- Trading Standards (Buckinghamshire Council).
- Public Health (in relation to applications which may impact on children and young people's health)
- Relevant Town and/or Parish Councils.
- Ward Councillors.
- Organisations responsible for the management of town centres.
- Any other consultee or council department that officers consider appropriate.

The consultees will all receive details of the application, including maps and plans. The consultation period will begin the day after the council receives a valid application. The consultation is 28 days in length and the council will consider responses from the consultees listed above and any other interested party, such as a member of the public.

Should any party wish to make representations against the application, they must do so within the consultation period, giving reasons to support their representation.

Representations should make reference to the decision-making criteria detailed in section 5 of this policy. Any representations received outside of the consultation period will not be considered.

5.0 Decision making criteria

Council licensing officers have delegated responsibility for determining applications for street trading consents, using the criteria listed below. Each application will be assessed on its own merits and where appropriate, individual circumstances may be taken into consideration.

The criteria include:

5.1 Suitable location

Street traders are expected to operate without causing unreasonable disturbance or nuisance to occupiers of nearby properties, businesses and homes. The steps that the council expects a trader to take will differ depending on the location.

The council is aware that it would be unwise and unfair on the public to operate a policy that would result in an area becoming saturated with street traders. Save for specific markets and events, traders will not normally be permitted to be within 250 metres of

each other, unless the location is suitable for more than one trader and the activities are complementary.

The location of the proposed street trading activity should not present a risk to the public in terms of road safety, obstruction, or fire hazard. The location should also not conflict with any Traffic Orders, such as waiting restrictions. The applicant must ensure that they and any assistants employed by them have adequate access to toilet facilities. The location of a trader must also not impact on pedestrians travelling with prams, pushchairs, wheelchairs or those who have mobility or disability issues.

The council wishes to protect its high streets and town centres whilst at the same time encouraging a more vibrant shopping experience.

Consent will not be granted if it would allow, or result in, a trader blocking, obscuring or impinging on the operation of another business. This includes where there is an existing fixed premises already selling similar produce.

The council will consider applications in relation to the customers the trader wishes to attract. It acknowledges that some residents may not like a street trader in their neighbourhood for aesthetic reasons. However, the council is clear that it will not consider this a reason to refuse a consent to trade. If an applicant has a viable business offer with customers in a certain location, and there are no legal restrictions on their ability to trade at that place, the council will only intervene, if satisfied it is right to do so to promote the objectives of this Policy.

Consideration will also be given to whether it is appropriate for traders to be located near to schools and similar buildings, especially if they are proposing to sell fast food. Fast food is hot food served quickly that is energy dense and high in fats, sugar or salt. This may include chips and other fried foods, burgers, hot dogs and pizzas.

Applications by traders intending to sell fast food from a fixed location within 400m of a school, nursery or college are likely to be refused, especially if they are going to be trading at the start/end of the school day or during lunch periods. Peripatetic traders, such as ice-cream vans wishing to trade within 200m from any entry or exit gates from a school or collect from an hour before the start of the school day until an hour after the end of the school day will likely be refused, unless they have the written authority from the Head Teacher of the school.

5.2 Protection of children and vulnerable people

In reviewing an application, the risk posed to children and other vulnerable groups by the activity, location, products on offer, target audience and suitability of trader will be considered. Traders must not conduct activities in a way that would take advantage of anyone who is vulnerable.

5.3 Increased opportunities for small businesses and encourages economic growth

Buckinghamshire Council wants to encourage and allow a variety of street trading activities. Allowing a range of consumer choice will encourage and inspire creative and innovative traders and help contribute to vibrant town centres.

All products sold must reach the same standard as those sold from any other outlet and the protections set out in consumer legislation apply. The council will also consider the application in relation to Buckinghamshire Joint Local Health and Wellbeing Strategy 2022 to 2025.

Street trading in commercial or shopping areas should add value to the overall appearance of the area in which the trader has applied to be located in order to encourage customers to the wider area.

5.4 Prevention of public nuisance

Consideration will be given to measures proposed by a trader to reduce and control the risk of nuisance from noise, litter, vermin, fumes, odour and the disposal of associated waste. Traders must have measures in place to prevent littering and have a commercial waste contract. Any adverse impact of the trader on traffic and pedestrians could be considered a potential nuisance and safety concern. The council will consider the times, frequency and duration of the operation in relation to any potential for nuisance caused by the street trading activity.

When assessing the impact of an application the council will consider what is reasonable for the area in which the trader seeks to operate. In commercial, industrial or busy areas, certain activities may be more reasonable. If a trader proposes to operate near residential properties, higher standards will be expected.

All street traders will be required to park lawfully. The council will not ordinarily intervene over issues of parking availability. However, if an area has insufficient parking availability the council will as part of its assessment consider whether the presence of a street trader may cause a nuisance to members of the public by denying a parking space to a legitimate user. This is particularly relevant in residential or high demand areas.

5.5 Prevention of crime and disorder

Street trading applications will not be granted if they present a risk to public order or are considered likely to encourage or facilitate crime. This includes anti-social behaviour. The suitability of an applicant and any nominated assistant is relevant, and the council will not grant a consent to anyone who it considers likely to commit or use their position as a trader to facilitate crime or otherwise endanger the public.

Applicants who wish to trade during evening or nighttime hours should carefully consider the potential for their activity or trading location to be at risk of contributing to crime and disorder.

5.6 Complementing the visual amenity

The council will evaluate how the suggested street trading activity will contribute to the appeal of the desired location. Does it improve the area? Will it create a more attractive and/or enjoyable experience for customers? Do the items that are offered for sale complement the businesses that are already operating in the area?

5.7 New local small businesses

The Buckinghamshire Council Corporate Plan aims to support small and medium enterprises to grow and flourish through promotion of high streets and Enterprise Zones. This means the council will look favourably at those applications that are from local Buckinghamshire Council residents starting up small businesses.

5.8 Outstanding fees

The council will take into account an applicant's payment history in relation to previous street trading consent. Applicants with a history of failing to make payments or defaulting on agreed payment plans are likely to be refused a consent.

Applications are not considered valid until the application fee has been paid alongside all the required documentation for both new and renewal applications.

5.9 Environmental Considerations

The council encourages all traders to take steps to reduce their impact on the environment. When applying, street traders are asked to consider their impact on the environment and what steps they will take to limit this. Things to consider include but are not limited to, power supply, carbon footprint, waste disposal, recycling and sustainable approaches to trading.

Applicants will need to demonstrate consideration for [The Environmental Protection \(Plastic Plates etc. and Polystyrene Containers etc.\) \(England\) Regulations 2023](#). From the 1st October 2023, these regulations prohibit the use and/or sale of certain single use plastic items. All applicants will need to be compliant with these regulations. If a trader is found to be in breach of these regulations, a consent could be revoked or application refused.

If the council have concerns over the environmental sustainability of a street trader, it may consider working with them in the preparation of an environmental improvement plan. A consent application may be revoked or refused if the council considers that the trading activity does not do enough to minimise any negative effect that it poses to the environment.

Applicants need to demonstrate that they have given consideration to the relevant regulations in relation to packaging, but also to using environmentally friendly power sources and vehicles.

Applicants are expected to ensure that they will have adequate receptacles for litter generated by their street trading activity and are expected to routinely clear around their trading unit during trading periods and at the end of trade.

5.10 Public health and safety

The council will consider applications with a view to ensuring that no trading activity poses a risk to the health or safety of the public. For this reason, the trader and their stationary van, cart, barrow or other vehicle or portable stall must not block or cover manholes, fire hydrants or emergency escape routes.

In assessing public safety, the council will take into consideration: water safety, hygiene standards, product safety and the safety of any structure, stall, vessel or vehicle used. Applicants must ensure that they assess the activity that they intend to carry out and take reasonable steps to prevent any aspect of the activity from causing harm to the public or being carried out in such a way that there is a possible risk.

The policy also provides an opportunity to realise Buckinghamshire's strategic vision, 'Succeeding as a Place: Achieving our Shared Vision for Buckinghamshire to 2050,' which highlights a growing need for a healthy built and natural environment and seeks to "create places that foster healthy behaviours and take health inequalities".

In Buckinghamshire, child obesity rates are high and increasing. Nearly 1 in 5 children started school above a health weight and a third of children leave primary school overweight or obese. Obesity rates for reception children (4–5-year-olds) and Year 6 children (10–11-year-olds) are 7.1% and 17.1% respectively.

The Government Food strategy sets a national ambition for a 50% reduction in childhood obesity by 2030. Many councils have introduced trading restrictions on ice cream vans in close proximity to schools.

The Whole Systems Approach to Healthy Weight in Buckinghamshire is guided by the Office for Health Inequalities and Disparities (OHID – formerly Public Health England). A key priority in Buckinghamshire's action plan is "to create an environment where healthy food is the preferred choice, whether eating in or out of the home." OHID proposes that Local Authorities use licensing policies to prevent mobile traders near a school or requiring healthier choices as a condition of a licence to trade.

The rationale for these policies includes:

- To contribute to improving the food environment as part of a whole systems approach to reduce child obesity and support healthy food choices.
- Traffic safety concerns and reduce traffic congestion around schools.
- To avoid undermining school healthy policies and programmes to support children's health and wellbeing (such as Buckinghamshire's Health School Award programme).
- To avoid undermining healthy school catering choices.
- To reduce persistent and immediate pressures on parents (both pester power and financial pressures) at the school gate to purchase unhealthy items that they may not be able to easily afford.

5.11 Road safety

Buckinghamshire Council will not grant consent to any trader directly abutting a road with a speed limit of 30mph or above. Any trading near to a road with a speed limit higher than 30mph will need to be sufficiently located away from the road, either in a substantive lay-by or service road.

The proposed location for the street trading activity should not present a significant risk to the public in terms of highway safety and/or obstruction. This includes consideration of factors such as interference with sight lines for other road users and access to pedestrian crossings.

The hours and/or time of day that the applicant proposes to trade may be considered if it can be shown that traffic levels are lower at the times applied for and the applicant's impact would not undermine road safety at such times.

5.12 Suitability of van, cart, barrow, other vehicle or portable stall

The council must be satisfied that the proposed van, cart, barrow, other vehicle, or portable stall is roadworthy, safe for use and does not pose any danger to the public.

The van, cart, barrow, other vehicle, or portable stall must be of good quality design and build. It will also need to be kept in a clean and well-maintained condition. It should not be of an appearance to the detriment of the quality of the street scene in its proposed location.

The council will give careful consideration to comments from consultees that raise concerns about the suitability of a proposed trading unit and any evidence that indicates that the unit may be unsafe or considered dangerous is likely to result in an application being refused.

5.13 Suitability of applicant and nominated assistant(s)

Street traders and their staff are in a position of considerable trust. They may come into contact with a wide variety of members of the public, including children, those with disabilities and those who may be considered more vulnerable. Some individuals may use their position as a trader to take advantage of any such person to commit crime. It is reasonable for the council to consider the suitability of an individual when deciding whether or not to grant a street trading consent.

The Act allows for inclusion of conditions including those relating to nuisance. When considering an application for a street trading consent the council is mindful of the need to avoid nuisance behaviour by the applicant or their nominated assistants.

A basic disclosure from the Disclosure and Barring Service (DBS) dated within the last two months needs to be submitted with an application. Basic disclosure certificates will also need to be provided for any nominated assistant who will be employed by the trader, who

deals with members of the public by taking orders, supplying goods or handling cash. The Council needs to be notified of any new nominated assistants and supplied with their basic disclosure certificate before they begin working on the stationary van, cart, barrow or other vehicle or portable stall. The basic disclosure provided for a new or additional nominated assistant will be reviewed by the licensing authority and the applicant will be advised if they have been approved.

These is an expectation from the public that those persons trading under a consent granted by Buckinghamshire Council are trustworthy, honest and do not pose a risk to the safety of the public.

A consent holder who employs someone in a role without a basic disclosure certificate or fails to notify the council of their employment within 72 hours as specified in the conditions on a street trading consent is likely to have their street trading consent reviewed and possibly revoked.

Where applications are received from individuals whose basic disclosure or those of their nominated assistants reveals convictions, the council will consider if the convictions are relevant in determining the suitability of the applicant to hold the type of licence they have applied for. The council will consider if the type of offences is an indication that an applicant is less likely to comply with street trading consent conditions, for example convictions for:

- Licensing offences, particularly those related to street trading.
- Offences involving dishonesty or fraud.

In each instance, the application will be considered on its own merits, with applicants given an opportunity to make representations prior to the Council determining the application.

Street traders will be authorised to deal with members of the public daily and often without supervision. It is essential that the Council are satisfied that the public will not be exposed to nuisance behaviour when dealing with the street trader. The applicant and any nominated assistant must therefore declare all unspent convictions and cautions at the time of application. Failure to do so may result in the application being refused.

The Council accepts and acknowledges the principal of rehabilitation and that an unspent conviction should not automatically prevent a consent being granted.

Street traders should always conduct themselves in a professional manner. The following safeguarding risks in relation to street trading activities have been identified by the council:

- Access to children and vulnerable adults.
- Ability to locate close to areas where children congregate.
- Mobile traders have regular rounds in residential areas, so have the potential to obtain personal information such as holiday plans.

Therefore, the council has determined that convictions for offences involving the following will be considered particularly relevant when determining an application for a street trading consent:

- Offences involving violence.
- Sex and indecency offences.
- Supply or possession of drugs.
- Burglary.
- Dishonesty.
- Motoring offences.

Consents may not be granted or could be revoked if a trader or their nominated assistant(s) conducts themselves in an unacceptable/unsuitable manner towards the public and/or the Council.

An applicant's history of street trading including whether previous consents have been used appropriately and whether consent fees have been paid will also be considered.

Complaints previously recorded against an applicant, and which are held on file will be taken into account when renewal applications are being considered.

Mobile traders who drive around the borough must be able to demonstrate that they do not represent a risk to the public. For instance, ice cream vans or similar will be spend the majority of their time driving around the borough, often in areas with a high density of children and young people. It is therefore imperative that the council are satisfied they are safe, professional and competent drivers.

5.14 Residential Areas

The council is acutely aware of the right of residents to peace and quiet. The council will take a more stringent approach to trading hours in areas of higher residential density where there is greater risk of public nuisance.

6.0 Decision making process

All applications, whether new or renewal, will usually be granted by delegated officers if:

- There are no objections to the application within the 28-day consultation.
- The requirements of the policy are met by the application.

Any representations made within the 28-day consultation period must be 'relevant', and must not be considered by the council to be frivolous or vexatious. They must be relevant to the trader and location and relate to matters referenced in this Policy. Where a valid representation is received, the application will be referred to a licensing officer to be determined under delegated powers.

If an application for a street trading consent is refused, or a consent revoked, whilst an individual may wish to apply for a new application at any time, anyone applying within 12 months of the refusal or revocation on the same terms as before is likely to be refused.

Licensing officers have delegated powers and can grant, refuse, revoke and condition a consent as considered reasonable to promote the objectives of this policy.

7.0 Refusal and right of appeal

When an application is refused, or a consent is revoked, the applicant will be notified in writing and given the reasons for the decision. The applicant may receive a partial refund for any application or maintenance fees paid once the council has deducted its administrative costs.

There is no statutory right of appeal against a decision to refuse to grant, refuse to renew or revoke a street trading consent. However, if an applicant is aggrieved by the council's decision to refuse or revoke a street trading consent, they can lodge an appeal in writing within 21 days of the date of the refusal or revocation notice. This should be sent to the Licensing Service and can be by letter or email to licensing@buckinghamshire.gov.uk.

Where an appeal is received in writing, the following process will be followed:

- Receipt of the appeal will be acknowledged.
- The appeal will be dealt with by a senior officer authorised to determine street trading consent appeals under the council's scheme of delegations. The senior officer determining the appeal will have had no involvement in the application process.
- The senior officer determining the appeal will decide if any further information in relation to the street trading consent application is required and contact the applicant.
- A decision will be provided to the applicant in writing within 21 days of the date the appeal was received.
- If the applicant remains unhappy with the outcome of the appeal they can challenge the decision by way of a judicial review

If a consent holder has their consent refused or revoked, it is unlikely that a new application would be granted within 12 months of the refusal or revocation.

8.0 Duration of consents and fees

Street trading consents will be granted for a maximum of 12 months unless a reduced period is considered appropriate.

The issuing of a consent only authorises trading in accordance with the requirements of The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4). The consent holder must ensure that they comply with any other statutory provisions relating to their business.

Fees are set and reviewed annually on a cost recovery basis. The fee charged considers the location, trading hours and items to be sold. Details of the current fees can be found on the Buckinghamshire Council website.

Fees must be paid in advance and all applications for street trading consents must be accompanied by the relevant application fee. If the application is approved, the balance of the fee will be due before the consent is issued to the applicant. The council may agree for remaining fees to be paid in instalments.

Consents that have not been renewed by the expiry date will cease to exist and trading must cease until such time as a new consent has been granted.

Failure to renew or to pay renewal fees may result in any subsequent application being treated as a new application. This means that if a trader does not submit a renewal application and/or make payment for the renewal of the consent, they will need to submit a new application and all of the associated documents required with this type of application.

Street trading consents may not be transferred and the sub-letting of pitches is not permitted.

If there are changes to the consent holder then a new street trading consent will need to be applied for.

If it is found that an original consent holder is no longer operating an authorised trading unit, the consent will be revoked.

9.0 Conditions and Enforcement

9.1 Conditions

General conditions (attached at Appendix 3 and 4) will be attached to every consent granted detailing the holder's responsibility to promote the objectives of this policy.

Additional conditions, tailored to the individual consent granted will be attached if deemed by the council to be appropriate, proportionate, justifiable and capable of being met by the consent holder. Additional conditions will be unambiguous and precisely worded so the consent holder and authorised officers are clear on what is expected to achieve compliance.

The council is able at any time to vary the conditions attached to a consent by notifying the consent holder in writing and specifying the date the change will take effect.

Individuals who engage in street trading without a consent or who fail to comply with the conditions imposed on any consent granted, will be liable to prosecution.

9.2 Complaints

Complaints relating to consent holders can be made to the council's [Licensing Service](#). Any complaints made by residents to the Licensing Service will be investigated by a licensing officer where they relate to a breach of the law, or non-compliance with the

conditions of a consent or the objectives of this Policy are being undermined. Substantiated complaints or any other reasonable grounds could trigger a review of a street trading consent.

Complaints will be recorded on file and taken into account when renewal applications are being considered.

9.3 Enforcement

A trader's failure to comply with street trading consent and the conditions attached to it is an offence and could result in the consent holder being prosecuted, or the consent being reviewed leading to possible revocation or further conditions imposed on the consent. The council aims to enforce in a proportionate manner.

The following principles will be followed when carrying out enforcement and compliance activities:

- Transparency – those against whom enforcement action is considered will receive sufficient explanation in plain English.
- Accountability – officers will be courteous, fair and efficient at all times. Details of enforcement action and decisions will be recorded and carried out without unnecessary delay.
- Proportionality – any action taken by the council will be proportionate to the risk or wider public benefit.
- Consistency – the council will carry out its duties in a fair, equitable and consistent manner having regard to the Buckinghamshire Council Enforcement Policy

Under paragraph 10, schedule 4 of the Act, a person commits an offence if they:

- Trade in a street without first obtaining a street trading consent.
- Have a street trading consent and breach a condition on it, or trade from a stall, vehicle etc. that they have not been given permission to trade from.

A person found guilty and convicted of this offence can receive a fine of up to £1,000

The council may decide it is appropriate to take other sanctions which can include:

- Verbal warning.
- Written warning (including a Final Warning).
- Vary the conditions on a consent, for instance, change the operating days or hours.
- Revoke a consent.

The Act gives the council the power to revoke or vary the conditions attached to a consent at any time, to which there is no right of appeal.

Council officers who are authorised to carry out enforcement and compliance activities carry photographic, council issued identity cards and authorisations which they will produce, if requested.

For minor issues the council will issue a warning letter and provide a reasonable time for compliance to be achieved. Where further issues arise the officer may issue a final warning letter or impose additional conditions or in serious cases, revocation. The decision will be at the discretion of the licensing officer.

The extent of non-compliance and any steps to rectify the issue will be taken into consideration in reaching any decision.

If a consent holder or their trading activity is deemed to pose an immediate and serious danger to the public or is significantly undermining the policy objectives, immediate revocation will take place. Where possible the consent holder will be notified of the issues and provided with an opportunity to make written representations before a decision is made.

Where upon inspection or investigation of a complaint, officers may deem it appropriate to impose additional conditions on the consent holder. If this is the case, the conditions would take immediate effect once the consent holder has been notified in writing.

In circumstances where a consent holder has additional conditions placed on their consent by an officer, or has the consent revoked, they will be permitted to appeal the decision to a senior officer. In these circumstances the appeal procedure set out in section 7 will be followed.

9.4 Reviews of consents

Consents that are granted by the council are subject to traders' compliance with the policy.

Any persons affected or aggrieved by a trader can apply to the council for a consent to be reviewed. The review of a consent will be considered by a senior officer.

Applications for a consent to be reviewed must be supported by sufficient evidence of the alleged problem or issue. Officers will not accept applications for review of a consent without evidence.

On considering a request for review of a consent, the senior officer will consider whether any of the steps set out in the Enforcement section of the Policy, section 9.3, are appropriate and if so, the same procedures will be followed.

There will be a cooling off period of 6 months following a review of a street trading consent, and this means it would be unlikely that the council would consider another review for the same trader in that time, especially if it were for the same reasons and or request made by the same person.

APPENDIX 1 – MAP OF BUCKINGHAMSHIRE COUNCIL AREA



APPENDIX 2 – NOTICE TEMPLATE



Local Government (Miscellaneous Provisions) Act 1982

Notice of street trading consent application

<***name of applicant***> has applied to Buckinghamshire Council for a street trading consent to allow them to sell articles at this location.

They intend to sell <***accurate description of articles it is intended to sell***>

The proposed trading hours are:

<***insert days and times applied for***>

Any person wishing to make a representation in relation to this application must give notice in writing to the council, giving in detail the grounds of objection by no later than <***insert deadline for representations, which is 28 days beginning on the day after the application is served on the council***>. Representations can be submitted by email to licensing@buckinghamshire.gov.uk

Further details of the application can be found online: [Street trading consent | Buckinghamshire Council](#)

APPENDIX 3 - CONDITIONS – STREET TRADING CONSENTS

1. The consent is granted to the named person(s) on the front of the consent. Subletting or transfer of this consent is prohibited.
2. All nominated assistants that the consent holder wishes to employ must be approved by the licensing authority in writing before they begin working on the stationary van, cart, barrow or other vehicle or portable stall.
3. The consent holder and nominated assistant(s) are only permitted to trade on the day(s) and between the times stated on the consent. No additional days or hours are permitted.
4. The consent holder and nominated assistant(s) shall not sell, offer or expose for sale any goods or types of articles other than those stated on the consent.
5. Counterfeit articles must not be sold nor must a consent holder or any nominated assistant display merchandise which is likely to cause offence or distress to any other person or which would be deemed an offence under any other legislation.
6. A valid third-Party Public Liability Insurance certificate indemnifying the consent holder up to a minimum sum of £10 million shall be held by the consent holder at all times.
7. The consent holder and nominated assistant(s) are only permitted to trade at the location specified on the consent and in the manner shown on the approved plan, attached to this consent.
8. The consent holder must ensure they have written permission from the respective landowner to occupy the area.
9. This consent, or a copy of it, must be displayed at the trading location(s), during the course of the trading, so that it is clearly visible to the public.
10. The consent holder and any nominated assistant(s) must only trade from the stationary van, cart, barrow, other vehicle or portable stall listed on the consent and it must be maintained in a clean and safe working order and in compliance with any legislative requirements.
11. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant documents i.e. insurance, tax and MOT to make the use of that vehicle road legal. These documents will be produced by the consent holder to any Police Officer or Authorised Officer of Buckinghamshire Council upon request.
12. Any trailers used for the purposes of street trading shall be in a road worthy condition and removed from the highway when the consent is not in operation.

13. The consent holder and any nominated assistant(s) must ensure that their business is conducted in a way that does not:
 - (a) Cause nuisance or annoyance (whether to persons using the street or otherwise)
 - (b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
 - (c) Endanger the public, themselves or any assistant that they employ.
 - (d) Obstruct the emergency services.
14. The consent holder and any nominated assistant(s) shall not place any furniture to be used by the customers of the consent holder to sit, gather or loiter without permission of the Council.
15. The consent holder and any nominated assistant(s) must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attract pests.
16. No water or waste material, including used cooking oil, as a result of the street trading activity shall be disposed of/discharged on to the highway (including down drains) or any adjacent property.
17. The consent holder and any nominated assistant(s) must ensure that the refuse and waste containers they provide are not emptied into public bins.
18. The consent holder and any nominated assistant(s) must not cause, or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
19. Fire hydrants, manholes and other street furniture must not be obstructed.
20. All electrical cables must be safely covered if they run along the ground, or suspended properly with support, to minimise the risk of harm to the public.
21. The consent holder must ensure that they and any nominated assistants employed by them have adequate access to proper toilet facilities.
22. Where the consent authorises the sale of food the consent holder or any nominated assistant(s) must ensure that they hold a food hygiene rating of 3, unless otherwise permitted to trade by the Council pending an inspection.
23. If during the term of any consent any material change occurs in the trading arrangements (such as new staff or a trading vehicle) the consent holder must report such changes to the Council within 72 hours of that change and where necessary, apply for the relevant variation.
24. Buckinghamshire Council reserves the right to alter or amend these conditions at any time.

25. If the consent holder or any nominated assistant(s) are convicted of any criminal or foreign offence they must notify the [Licensing Service](#) in writing within 7 days from the date of conviction.
26. Any van, cart, barrow, other vehicle or portable stall shall be removed from the street trading location when no trading activity is permitted, save for 1 hour before trading is due to commence and 1 hour after trading has ceased.
27. The Council may permit a van, cart, barrow, other vehicle or portable stall to remain on the street at the council's discretion.
28. Advertisements or other notices shall not be placed in the immediate area of the van, vehicle, stall or unit without the written approval of the Council's Licensing Service.

APPENDIX 4 - CONDITIONS FOR MOBILE CONSENT (peripatetic traders)

1. The consent is granted to the named person(s) on the front of the consent. Subletting or transfer of this consent is prohibited.
2. All nominated assistants that the consent holder wishes to employ must be approved by the licensing authority in writing before they begin working on the stationary van, cart, barrow or other vehicle or portable stall.
3. The consent holder and any nominated assistant(s) are only permitted to trade on the day(s) and between the times stated on the consent. No additional days or hours are permitted.
4. The consent holder and any nominated assistant(s) shall not sell, offer or expose for sale any goods or articles other than those stated on the consent.
5. A valid third party Public Liability Insurance certificate indemnifying the consent holder up to a minimum sum of £10 million shall be held by the consent holder at all times.
6. This consent permits the holder and any nominated assistant(s) to trade on any street or public place within the area covered by Buckinghamshire Council, subject to the condition that the consent holder shall not trade for more than 30 minutes from any single location in a 24 hour period, and each new trading location and must be at least 50 metres apart from the previous location on any one street in any 24 hour period.
7. The consent holder and any nominated assistant(s) shall not carry on business from any vehicle other than that stated on the consent without permission from the Council and where necessary apply for the relevant variation to their consent.
8. The consent, or copy of it, must be displayed prominently at the trading location(s), during the course of trading, so that it is clearly visible to the public
9. The vehicle shall be maintained in a clean and safe working order, in compliance with any legislative requirements.
10. Any motor vehicle used for the purpose of street trading shall at all times be in a roadworthy condition and have the relevant valid documents i.e. insurance, tax and MOT. These documents will be produced by the consent holder to any Policy Officer or Authorised Officer of the Council upon request.
11. The consent holder and any nominated assistant(s) must ensure that their business is conducted in a way that does not:
 - (a) Cause a nuisance or annoyance (whether to persons using the street or otherwise)
 - (b) Cause an obstruction to the vehicles or pedestrians in the street or adjacent streets.
 - (c) Endanger the public, themselves or any assistant they employ.

- (d) Obstruct the emergency services.
12. Advertisements, signs or notices shall not be placed on the van, vehicle, stall or unit or other structure or in the immediate vicinity of the trading location without the written approval of the council.
 13. Advertisements, signs or notices that may cause offence or distress to the public will not be permitted.
 14. The consent holder and any nominated assistant(s) shall not cause any obstruction to road users or cause obvious danger to any person using the street.
 15. The consent holder and any nominated assistant(s) shall not cause nuisance or annoyance to persons using the street or to the occupants of any properties in the vicinity.
 16. Ice cream traders shall comply with the requirements of the [Code of Practice on Noise from Ice-Cream Van Chimes Etc. 2013](#).
 17. The consent holder and any nominated assistant(s) shall not place any furniture to be used by customers of the consent holder to sit, gather or loiter without permission from the Council, such as a [Pavement Licence](#).
 18. The consent holder and any nominated assistant(s) must ensure that the trading area and immediate vicinity remains clean and tidy. This includes providing sufficient suitable containers e.g. bins, for refuse and waste that the trading activity generates. Such refuse containers must be kept as clean as is reasonably possible and be emptied on a regular basis to prevent accumulations of refuse and/or attract pests.
 19. No water or waste material, including used cooking oil, as a result of the street trading activity shall be disposed of/discharged on to the highway (including down drains) or any adjacent property.
 20. The consent holder and any nominated assistant(s) must ensure that the refuse and waste containers they provide are not emptied into public bins.
 21. The consent holder must ensure that they and any nominated assistants employed by them have adequate access to proper toilet facilities.
 22. Where the consent authorises the sale of food the consent holder or any nominated assistant must ensure that they hold a food hygiene rating of 3, unless otherwise permitted to trade by the Council pending an inspection.
 23. If during the term of any consent any material change occurs in the trading arrangements (such as new staff or trading vehicle), the consent holder must report such change to the [Licensing Service](#) within 72 hours of that change and where necessary apply for the relevant variation to their consent.

24. The council reserves the right to alter or amend these conditions at any time.
25. If the consent holder and any nominated assistant(s) are convicted of any driving, criminal or foreign offence they must notify the [Licensing Service](#) in writing within 7 days from the date of conviction.
26. The consent holder and any nominated assistant(s) must not cause or allow to be caused, any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
27. Fire hydrants, manholes and other street furniture must not be obstructed.