

## **STREET TRADING CONSENT**

### **NOTES FOR APPLICANTS**

If you wish to trade in the street in the Borough of Tewkesbury you must first obtain a Consent from this Authority.

**If you do not have a Consent or if you trade in a place or at a time not permitted by a Consent, you will be guilty of an offence and liable on summary conviction, to a fine of up to £1,000. If you breach any other conditions of a Consent, it may be revoked by the Council. The granting and revoking of Consents is at the absolute discretion of the Council.**

Applications must be in writing on the attached form, and must be accompanied by a fee as indicated in the attached schedule, which is returnable if the application is refused. In accordance with the Council's Anti Poverty Policy for the first year the fee may be paid in monthly installments in cases where the applicant is currently in receipt of Benefits. If granted, the Consent will be subject to standard conditions (attached) and any special conditions that may be imposed.

**Planning Permission may be necessary before certain types of Street Trading can take place. If a necessary permission has not been obtained then the Consent may not be used. You should make an enquiry as to whether Planning Permission will be required from the Development Services Directorate of this Council prior to making an application for Street Trading Consent.**

If you cease to use your Consent it may be surrendered and the whole or a proportion of the fee will be refunded, as considered appropriate.

**Food business operators are required to register their premises with the local authority in whose district they operate. In the case of mobile vehicles this must be with the local authority in whose area the vehicle is kept. To assist you in this matter please find enclosed a registration form which should be completed and returned to the food safety team of this Council. If you do not keep your vehicle in Tewkesbury's area, then we will require you to provide evidence that you have the vehicle registered as a food business with the authority where you keep the vehicle when not trading.**

## **STREET TRADING POLICY**

**The Tewkesbury Borough Council recognises that street trading can provide a useful service to persons residing in or resorting to the Borough particularly in rural areas without the benefit of local shops.**

1. A consent to trade in a street or streets within the Borough will normally be granted provided that:
  - a) the street is not a Prohibited Street;
  - b) the trading unit can be located so as to ensure that it does not cause an undue interference, inconvenience, obstruction or danger to pedestrian or vehicular traffic or emergency services;
  - c) where goods sold are of a type sold in any permanent shop premises within 250 metres then static trading will not be permitted on more than 2 days in any one week; and
  - d) no roadside signage advertising the trade takes place other than on the trading unit.
  
2. In deciding upon whether or not to grant a Consent consideration will be given to:
  - a) any views expressed by a local Borough Councillor, Parish or Town Council, Highway and Planning Authority, Police and Fire Authority or local retail traders;
  - b) any noise, odour or other nuisance likely to be caused to nearby residents or commercial premises; and
  - c) the likelihood of the trading activity detracting from the visual or other attractions of the area in which it takes place, particularly designated conservation areas, areas of outstanding natural beauty and sites of special or scientific interest.

Each application for a street trading consent will be considered on its merits and may be subject to such conditions as the Council consider reasonably necessary.

## **STREET TRADING CONSENT**

### **DEFINITIONS**

**“Consent Street”** Means a Street in which Street Trading is prohibited without the consent of the Borough Council;

**“Prohibited Street”** Means a Street in which trading is prohibited;

**“Street”** Includes:-

- 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 Highway Act 1980; and
- c) Any part of a street.

**“Service Area”** Means an area of land adjoining, or in the vicinity of, a special road, being an area to 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”** Means the selling or exposing or offering for sale of ANY ARTICLE (including a living thing) on a Street.

The following are NOT Street Trading:-

- 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 a presumed grant) or acquired or established by virtue of an enactment or order;

- c) Trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highway Act 1980;
- d) Trading as a news vendor;
- e) Trading which is carried on:-
  - at premises used as a petrol filling station; or
  - at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- f) selling things, or offering or exposing them for sale as a roundsman:
- g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway:
- h) the operation of facilities for recreation or refreshment under Part VII of the Highway Act 1980;
- j) the doing of any thing authorised by regulations made under Section 5 of the Police, Factories etc, (Miscellaneous Provisions) Act 1916.

#### **NOTE**

The reference to trading as a news vendor in sub-paragraph (d) above is reference to trading where:-

- a) the only articles sold or exposed or offered for sale are newspapers and periodicals; and
- b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:-
  - i) exceed 1 metre in length or width or two metres in height
  - ii) occupy the ground area exceeding 0.25 square metres; or
  - iii) stand on the carriageway of a street.

## **TEWKESBURY BOROUGH COUNCIL**

### **STREET TRADING**

#### **PROHIBITED STREETS**

1. The A438 from its easterly junction with Barton Street and Chance Street, Tewkesbury to the Teddington Hands Roundabout.
2. The A435 from the boundary with Cheltenham Borough Council at Prestbury to Anchor Cottage Bend, Bishops Cleeve.
3. The A435 from the Teddington Hands roundabout to the County Boundary with Hereford and Worcester.
4. The A4019 from the boundary with Cheltenham Borough Council at Swindon to the junction with the M5 motorway but to exclude the lay-by at the Southern side of this road at Uckington.
5. The A40 from the boundary with the Cheltenham Bough Council at Badgeworth Parish Council to Gloucester City Council at Innsworth Parish (ie the Golden Valley By-Pass).
6. The A40 from the junction with the A48 at Highnam to the boundary with Gloucester City Council.
7. The A46 from the boundary with Cheltenham Borough Council to the junction with the A417 at Brockworth.
8. The lay-by at the side of the A46 at Postlip, Winchcombe.
9. The B4063 from its junction with the A40 at the Golden Valley roundabout, to the eastern edge of the Churchdown urban areas.
10. The B4632 (formerly A46) in Winchcombe from its junction with Corndean Lane to its junction with Silk Mill Lane.
11. North Street, Winchcombe from its junction with High Street, to its junction with Back Lane and Greet Road.
12. The B4075 at Prestbury from Cheltenham Borough boundary to its junction with the A46.
13. The A38 Tewkesbury from the High Street and Bredon Road junction to the junction with the A438 at the Mythe.
14. High Street, Barton Street, and Church Street, Tewkesbury.

15. The A417 from the boundary with the Cotswold District Council at Badgeworth to the boundary with Gloucester City Council at Churchdown/Hucclecote Parishes, to include the cul-de-sac at the entrance to the Gloucester Trading Estate, Hucclecote.
16. Oldbury Road, Tewkesbury from its southerly junction with Nelson Street to its northerly junction with Bredon Road.