

## **General Policy on Street Trading in Arnold**

### **1.0 Purpose of the Policy Statement**

This statement sets out the Council's policy framework for the management of street trading in Arnold Town Centre. The purpose of the Policy is to ensure a high quality street trading provision in the Centres, allowing for markets and fairs to contribute to a thriving shopping environment.

### **2.0 Background/Definition of Street Trading**

The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6<sup>th</sup> June 1983. This entitles the Council to manage street trading in its area by designating streets as 'consent streets', 'license streets' or 'prohibited streets'.

'Street Trading' is defined in the Schedule as 'the selling or exposing or offering for sale any article (including a living thing) in a street'. A 'street' includes any road, footway or other area to which the public have access without payment.

A list of the streets covered by this policy is attached as Appendix A and maps showing the streets is attached as Appendix B.

### **3.0 Application Procedure**

Applications must be received by the Council's Licensing Section no less than fourteen days prior to the proposed date of the consent coming into effect. The application must be accompanied by the appropriate fee and a plan showing the exact location at which the applicant wishes to trade. All plans should be 1:1250 scale and should show all residential and commercial premises within a 100m radius of the proposed site.

Upon receipt of an application, the Council will consider each application on its merits taking account of the General Policy provisions and objectives.

### **4.0 General Policy on Street Trading**

In order to fit within the council's aims around the promotion of vibrant town centres, this policy is defined by a clear set of principles:

1. The Council will not grant consent to trade from a stationary van, cart, barrow or other vehicle.

In addition, consent will not be given to the following trades:

- a) Obscene or undesirable publications or articles
- b) Goods or articles manufactured on the stall (except for small scale arts and crafts)
- c) Any goods with alcoholic content
- d) Goods or articles deemed not to comply with appropriate Environmental Health or Trading Standards legislation
- e) Any live animals
- f) Any trade which is likely to cause a nuisance to residents or to give rise to, or encourage, public disorder

However, this list is not exhaustive

2. The Council will only grant consent for street trading that supports events to boost trade in the town/district centres.
3. The Council does not have any fixed street trading locations or specific number limitations within those areas designated as consent streets. However, applications will only be granted where it is considered that the trader will add to existing amenities and be of benefit to the residents of and visitors to Gedling borough. It is unlikely that applications for locations close to existing street traders or where they could obstruct busy pedestrian routes or access to or from nearby premises will be granted. Also, where there are waiting and loading restrictions in place, appropriate waivers or consents to use that location must be obtained where necessary.
4. All applications must meet all the following objectives:
  - a) To support the local economy, businesses and retailers by increasing footfall within the centres.
  - b) To attract new visitors, residents and shoppers to the centres.
  - c) To create a welcoming atmosphere for visitors, residents and shoppers.
  - d) To provide an opportunity to trade for local businesses.
  - e) To complement existing retailers and businesses within the centres.
  - f) To provide a diverse and alternative offer of products to residents, visitors and shoppers.
  - g) To build a programme of successful town centre events to support local traders.
5. The council will not grant permission for any trader to operate for any more than 16 days within a calendar year.

## **5.0 Standard Conditions**

The following conditions will be attached to all consents issued by Gedling Borough Council:

- The consent holder shall be in possession of current public liability insurance with a minimum level of £5 million pounds.
- The consent holder shall only trade from the stall at the location approved in writing by the Council. The stall shall not be altered, adapted or replaced without the prior written consent of the Council.
- It is the responsibility of the consent holder to satisfy all fees and requirements to do with Nottingham City Council's Market Charter rules and must be able to produce evidence on request. For more information on whether your event would be subject to any fees, please visit the Nottingham City Council website - <http://www.nottinghamcity.gov.uk/index.aspx?articleid=15134>
- The consent holder shall maintain the stall in a clean state and in good repair and condition.
- The consent holder shall only trade from the authorised stall and shall not

place any additional stalls, free standing signs or storage boxes upon the public highway.

- No waste material shall be discharged onto the highway or any other property, and must be taken away and disposed of in the proper manner.
- The consent holder shall conduct his business in such a manner as to ensure that he/she does not:-
  - cause a nuisance or danger to users of the street;
  - cause an obstruction to other vehicles or pedestrians or users of the street; or
  - prohibit access for loading or unloading.
- The consent holder shall take adequate precautions to prevent the risk of an outbreak of fire at his/her stall. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, a suitable fire extinguisher must be provided.
- The consent holder shall display the street trading consent permit issued by the Council at all times whilst trading.
- When requested to do so by an authorised officer of the Council or Police officer, the consent holder shall produce the consent for inspection.
- The consent is not transferable and is personal to the consent holder.
- The street trading consent does not imply or give any other permission, consent or authorisation to trade in any other products other than those previously granted on application or renewal.
- The consent holder shall immediately notify the Council of any change to his/her name or address.
- The consent holder should not fail, without reasonable cause, to trade at the location for which consent has been given at all times authorised by the consent.
- The stall holder will remove the stall without undue delay upon the request of a Police Officer or Council Officer.

Failure to comply with any of these conditions may result in the revocation of the consent to trade.

## **6.0 Fees and Charges**

No fee

## **7.0 Enforcement and Monitoring**

Stalls may be inspected by authorised officers of the Council and officers from Nottinghamshire Police during hours of operation. Any non-compliance with statutory requirements or conditions of consent will be investigated with a view to taking appropriate remedial action and will also be taken into account upon receipt of an application to renew or modify consent to trade.