



# **DOVER DISTRICT COUNCIL**

## **STREET TRADING GUIDANCE NOTES**

## **STREET TRADING**

### **Statutory Powers**

Street trading is controlled by an adoptive code contained in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. The code was adopted by the Council on 12 October 1963. Having adopted Schedule 4 the Council may by resolution designate any street (a) a prohibited street, (b) a licensed street or (c) a consent street.

### **Definitions**

- Prohibited Street: This is a street in which trading is prohibited.
- Licensed Street: This is a street in which street trading is prohibited without a licence granted by the District Council.
- Consent Street: This is a street in which street trading is prohibited without the consent of the District Council.
- Street: Includes any road, footway, beach or other area to which the public have access without payment.
- Street Trading: Means, subject to certain exemptions, the selling or exposing or offering for sale of any article.

### **Exemptions**

The following types of trading are excluded from the definition of street trading and those traders are not required to obtain a licence or consent. They may also trade in a street designated as a prohibited street:-

- (a) Trading by a person acting as a pedlar.
- (b) Anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order.
- (c) Trading in a trunk road picnic area.
- (d) Trading as a news vendor subject to a restriction upon articles sold and the type of stall used.
- (e) Trading which is carried on at petrol filling stations 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) Roundsmen
- (g) The use for trading under the Highways Act 1980 of an object or structure placed on, in or over a highway (pavement cafes etc.).
- (h) The operation of facilities for recreation or refreshment under the Highways Act 1980.
- (j) Street collection.

## Essential Differences

The main differences between the two types of street designation are as follows:-

| <u>Licensed</u>  | <u>Consent</u>   |
|--|--|
| (1) District Council obliged to grant a licence unless the application ought to be refused on one or more of the grounds specified in the Act.   | District Council under no duty to grant a street trading consent and need not specify statutory grounds for refusal.   |
| (2) District Council may only revoke or refuse to renew a licence on the statutory grounds relating to principle terms (i.e. days, times, articles for sale).  | No statutory limitation on a District Council's power to revoke or refuse to renew a street trading consent.   |
| (3) Before a District Council may vary a principle term of a street trading licence or before it may refuse to grant or renew or revoke a street trading licence it must first invite the applicant/licence holder to make representations and then afford that person a reasonable opportunity to make those representations. | No notice requirements apply to a street trading consent.  |
| (4) Statutory grounds of appeal against the refusal, revocation or variation of a principal term of a street trading licence are contained in the Schedule.  | There is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.   |
| (5) A licence holder may be prosecuted for a breach of the "principle terms" which relate to the street in which the days and times upon which and the articles in which the holder trades.  | A street trading consent holder may only be prosecuted for a breach of a condition where he trades from a stationary van, cart, vehicle or from a portable stall in a place or at a time not included in the consent, or for breach of the condition relating to the positions and times in which he may trade but not for a breach of a condition relating to the type of article to be sold. |
| (6) A District Council may recover from a licence holder such reasonable charges as they may determine for the collection of refuse and the cleansing of streets etc.  | A District Council may not charge the holder of a street trading consent for the collection of refuse and cleaning of streets etc.   |
| (7) Where a licence is surrendered or revoked the Council has a discretion to remit or refund any fee paid to it.  | Where a consent is surrendered or revoked a Council is under a duty to remit or refund the whole or part of any fee paid for the consent.  |
| (8) The consent of the Highway Authority is necessary for the designation of a street as a licensed street.  | Highway Authority consent is not required before the designation of a street as a consent street   |

### Street Trading Licences (Street Markets)

Broadly speaking the licensing system is designed to cover street markets. It is rather complex and has been designed in an attempt to maintain a balance between the needs of stallholders who are dependent upon street trading for their livelihood and those of the Council.

Unless previously revoked or surrendered a street trading licence remains valid for a determined period not exceeding 12 months.

### Street Trading Consents (Itinerant Traders)

Street trading consents provide a separate form of control than the licensing system with no rights of appeal for the trader. It is intended to cover the activities of itinerant traders ranging, for example, from the single flower seller with a basket to the ice-cream vendor or hot dog stall.

The Council may attach to a consent such conditions as they may consider reasonably necessary including conditions designed to prevent obstruction of the street or danger to persons using it or nuisance or annoyance (whether to persons using the street or otherwise).

If a street trading consent includes permission for its holder to trade in a consent street either (a) from a stationary van, cart or other vehicle or (b) from a portable stall it may be made subject to conditions as to where and the times between which or periods for which trading may take place.

A street trading consent may be granted for any period not exceeding 12 months and may be revoked at any time.

### General Provisions

The holder of the street trading licence or consent may employ any other person to assist him in his trading without a further licence or consent being required subject to no such person being under 17 years of age.

A decision by the Council to designate a street is not irrevocable if one form of control or the absence of it proves inappropriate a new resolution may be made.

### Designation Procedure

Before designating a street under any of the three categories mentioned notice of such intention has to be published in a local newspaper and a copy served on the Chief Officer of Police and the Highway Authority, the consent of the Highway Authority being required in the case of licensed streets. A period of not less than 28 days must be given for the submission of representations and these have to be considered by the Council before proceeding, if they think fit, to pass the proposed resolution. Public notice has also to be given of the passing of the resolution and the date specified for the coming into force of the designation must be not less than 28 days after the first publication of that notice.

## Fees

The level of fees set by the District Council for the grant or renewal of a street trading licence or consent need not be restricted to the recovery of the cost of administration. The Council may set different fees relating to the duration of a licence or a consent and relating to the street and articles to be sold recognising that market forces may be taken into consideration to a certain extent in determining the different fee levels. Whilst there is no requirement to publish notice of fees payable for the issue of a licence or consent a District Council must give notice to the licence holders and publish notice of fees to be charged for the cleansing etc. of street and any variations thereof.

## Offences

A person who:-

- (a) Engages in street trading in a prohibited street.
- (b) Engages in street trading in a licensed street or a consent street without being authorised to do so.
- (c) Contravenes any of the principal terms of a street trading licence.
- (d) Being authorised by a street trading consent to trade in a consent street:
  - (i) trades from a stationary van, cart, barrow or other vehicle
  - or
  - (ii) from a portable stallwithout first having been granted permission to do so.
- (e) Contravenes certain conditions shall be guilty of an offence, subject to a statutory defence.

In addition a person who, in connection with an application for a street trading licence or consent, makes a false statement which he knows to be false in any material respect or which he does not believe to be true shall also be guilty of an offence.

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## **DOVER DISTRICT COUNCIL - PRESENT POSITION**

In order to obtain the benefit of greater flexibility the District Council has designated those streets or parts thereof, together with any road, footway, beach or other area detailed in Appendix A to which the public has access without payment which is adjacent to the street or part of it.

In addition every other street adjoining any street referred to in Appendix A for a distance of 20 metres from its junction with each such designated street have also been designated as consent streets.

The Council has, on individual application, also designated additional streets as consent streets for specific dates in connection with Deal and Dover carnivals and Deal braderie.

### **Criteria**

All applications for consent will be considered on their merits but regard will be had to the following criteria:-

- (a) In the case of persons wishing to trade on a commercial basis the goods to be sold should usually be restricted to food, beach goods and souvenirs.
- (b) Consents should not be granted when there already exists sufficient retail outlets in the area.
- (c) Consent should not be granted if there is insufficient space and undue inconvenience and interference to pedestrians or road users will be caused or where to do so would be prejudicial to highway safety.
- (d) The Council should be satisfied as to the suitability of the applicant.
- (e) That street trading should only be permitted to take place between specified hours.

### **Roundsman**

For the purposes of exemption "Roundsman" has been defined as follows:-

A person who regularly travels a set route making deliveries to regular customers at their home.

### **Consent Conditions**

Details of the general conditions applying to a consent are attached at Appendix B.

## Fees

The Council has established the following criteria in respect of fees.

- (i) The annual fee should be such that the costs of the service are met by the users thereof.
- (ii) A daily fee is also payable in respect of one off applications.
- (iii) Local carnivals, braderies and tourism promotions - to be determined by Officer in consultation with Co-Chairmen of the Technical Services Committee.
- (iv) Registered charities - no charge.

In the event of an application being refused the whole fee is refunded and in those cases where consent is prematurely surrendered or revoked a proportion of the fee relating to the unexpired completed months is refunded upon request.

## Determination of Applications

Applications must be made on the correct form (Appendix C) and be accompanied by the appropriate fee.

The Council will seek the views of the Chamber of Trade, Town Council, Local Police and any other organisation that may be deemed appropriate prior to the matter being placed before the relevant Committee of the Council. As meetings of the Committee are some weeks apart time scales should be discussed with the relevant member of staff.

## Consents

Consents are issued for a maximum of 12 months and applications for renewal should be made in good time.

If you sell the business that has the benefit of a street trading consent you must notify the Council immediately. The new owner of the business must apply to the Council for consent.

A consent holder may employ other persons to assist in his trading without further consents being required.

## Enforcement

The Licensing Team Leader is empowered to revoke consents in the event of a breach of conditions or institute legal proceedings against anyone trading in a designated consent street without the benefit of a valid consent.

The submission of an application for consent does not permit trading.

White Cliffs Business Park  
Dover  
Kent  
CT16 3PJ

**DOVER DISTRICT COUNCIL**

**DESIGNATED CONSENT STREETS**

Deal

Albert Road  
Alfred Square (High Street to Alfred Row)  
Beach Street  
Broad Street  
Court Road  
Cornwall Road  
Deal Castle Road  
Dover Road (Ripple Road to The Strand)  
Duke Street (High Street to Robert Street)  
Farrier Street (High Street to Middle Street)  
George Alley  
Gilford Road  
Godwyn Road  
Golf Road (Godwyn Road to Western Road)  
Granville Road  
Griffin Street (High Street to George Street)  
Hamilton Road  
High Street  
Ivy Place  
King Street  
Kingsdown Road  
London Road (Queen Street to Sholden New Road)  
Manor Road  
Marine Road  
Marina, The  
Market Street (High Street to Middle Street)  
Middle Deal Road  
Middle Street (King Street to Market Street  
King Street to Middle Street Car Park  
Broad Street in southerly direction for 20 metres  
South Street in northerly direction for 20 metres)

Mill Hill  
Mill Road  
Mongeham Road (London Road to St Richards Road)  
New Street  
Oak Street (High Street to Middle Street)  
Park Avenue  
Park Street (High Street to eastern boundary of No. 4)  
Peter Street  
Prince of Wales Terrace  
Promenade (From junction of The Marina/Beach Street to southern boundary of Deal Castle)  
Queen Street  
St George's Road (High Street to western boundary of Town Hall Car Park)  
St Georges Passage  
St Richards Road  
Salisbury Road



Sondes Road  
South Court  
South Parade  
South Street  
Stanhope Road (High Street to eastern boundary of Astor Theatre)  
Station Road (Dover Road to Court Road)  
Strand, The  
Union Road (High Street to western boundary wall of Union Road Car Park)  
Victoria Parade  
Victoria Road  
Water Street (High Street to Robert Street)  
Wellington Road (High Street to eastern boundary wall of No. 27)  
Western Road

### Dover

A20 (Eastern Dock to Court Wood Interchange)  
Alkham Road (Abbey Road to London Road, Temple Ewell)  
Astor Avenue  
Barton Road  
Beaconsfield Avenue  
Beaconsfield Road  
Bench Street  
Biggin Street  
Bridge Street  
Brookfield Avenue (Whitfield Avenue to Buckland Avenue)  
Buckland Avenue  
Cambridge Road  
Camden Crescent  
Cannon Street  
Castle Hill Road (Maison Dieu Road to Upper Road)  
Castle Street  
Chapel Lane  
Charlton Green (Frith Road to Maison Dieu Road)  
Cherry Tree Avenue  
Chilton Way  
Church Street  
Coombe Valley Road  
Connaught Road  
Crabble Hill  
Crabble Road  
Dieu Stone Lane (Cannon Street to bridge over the River Dour)  
Dolphin Lane  
Dolphin Passage  
Dolphin Place  
Duoro Place  
Eaton Road  
Edwards Road  
Effingham Crescent  
Elms Vale Road (Elms Hill to Folkestone Road)  
Esplanade  
Fishmongers Lane  
Flying Horse Lane  
Folkestone Road (Little Farthingloe Farm to Priory Road)  
Frith Road

Gaol Lane  
High Street  
Honeywood Road  
King Street  
Ladywell  
Last Lane  
Lewisham Road  
London Road, Dover  
London Road, River  
London Road, Temple Ewell (Railway Bridge to London Road, River)  
Maison Dieu Place  
Maison Dieu Road  
Marine Parade (Waterloo Crescent to Townwall Street)  
Market Square  
Market Street  
Melbourne Avenue  
Mill Lane  
New Bridge  
New Street  
Park Avenue  
Park Place  
Pencester Road  
Peter Street  
Priory Hill (High Street to the western boundary of the United Reformed Church)  
Priory Road  
Priory Street  
Queen Street  
Queens Gardens  
Russell Street  
St James Lane  
St James Street  
St Mary's Passage  
Snargate Street (Service Road)  
Stembrook  
Tavernors Lane  
Tower Hamlets Road  
Tower Hamlets Street  
Unnamed road between Cambridge Terrace and Waterloo Crescent  
Victoria Crescent  
Waterloo Crescent  
Wellesley Road  
Whitfield Avenue  
Whitfield Hill  
Wood Street  
Woolcomber Street  
Worthington Street  
York Street

NB. The promenade of Dover has been specifically excluded from consent street provisions but the prior approval of the Dover Harbour Board is required.

## Sandwich

All streets within area bounded by The Butts, Millwall, Ropewalk, The River Stour and The Guestling Stream

The Ash Road (A257) (Town Wall to Sandwich Bypass)

Deal Road (Dover Road to Sandwich Bypass)

Dover Road (Town Wall to Deal Road)

Ramsgate Road (High Street to Sandwich Bypass)

Woodnesborough Road (Town Wall to Sandwich Bypass)

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**STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENT**

1. The consent is personal to the trader and is not transferable.
2. The holder may only site the permitted structure at the approved location(s).
3. A plate bearing THE NAME OF THE HOLDER AND THE NUMBER OF HIS CONSENT or a copy of the consent, shall be shown in a conspicuous plan.
4. The holder may only trade between the approved times.
5. The holder may only sell articles approved by the Council.
6. The holder shall indemnify the District Council against any claims in respect of injury damage or loss arising out of the grant of this consent (except insofar as any claim in respect of injury damage or loss is attributable to the negligence of the Council) and shall if required maintain a public liability insurance policy with a limit of indemnity of up to £5 million. The holder shall produce the certificate of insurance and any renewal thereof within 24 hours of the original expiry date.
7. The name and address of all employees shall be notified to the relevant local Police Station at least 48 hours before the commencement of the period of employment.
8. All employees must be issued with an identification/authority card.
9. No person under the age of 17 years shall engage or be employed in street trading.
10. Suitable fire extinguishers shall be provided in appropriate cases.
11. A suitable first aid box shall be provided.
12. The prior consent of the Council shall be obtained to the use of temporary electrical fittings and such fittings are to be correctly wired and powered via recognised standard electrical outlets. Electrical leads to such fittings are to be run out of reach of the public and all electrical lampholders within reach of the public shall be kept fitted with lamps or otherwise protected.
13. The holder shall take all reasonable and proper precautions for the safety of all other persons using the street(s) and to prevent danger to persons using the street(s).
14. The consent holder shall not cause any nuisance or annoyance howsoever arising to the occupiers of the adjoining properties or to any person using the said properties or adjoining streets, nor shall he cause any obstruction of the highway.
15. The consent holder shall comply with the reasonable requests of a duly authorised officer of the Council to take such action as is considered necessary to abate any nuisance or obstruction.
16. Public highways shall be maintained in a clean condition during each days trading and all rubbish and waste paper accumulated throughout the daily operation of this consent shall be removed at the end of each days trading.

17. The consent holder shall observe perform and comply with all relevant statute law, common law and bye law provisions, including Road Traffic Regulation Orders made by the Highway Authority.
18. The prior approval of the local police is needed in connection with the entry into pedestrian areas of any vehicle associated with the consent.
19. Any vehicle or stall etc. used in connection with the operation of this consent shall comply with all relevant food hygiene and health and safety legislation.
20. Any vehicle used in connection with the operation of this consent shall be properly taxed, have a valid certificate of motor insurance and, where appropriate, a valid M.O.T. Certificate.
21. The consent holders vehicle shall not wait for the purposes of loading in any residential street for a period of longer than 30 minutes in any period of 3 hours.
22. The issue of a street trading consent shall purport to grant to the holder any other licence or permission required under any other enactment or requirement.
23. A consent may be surrendered at any time.

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**Useful contacts:**

Environmental Health Food Safety Team: 01304 872216

[http://www.dover.gov.uk/environment/environmental\\_health/food\\_safety.aspx](http://www.dover.gov.uk/environment/environmental_health/food_safety.aspx)

Kent County Council Highways: 08458247800 (ask for Roadworks Team)

[www.kent.gov.uk](http://www.kent.gov.uk)

Trading standards: <http://www.tradingstandards.gov.uk/kent/contact.htm>

**For information on starting up a business:** <https://www.gov.uk/>