



Street Trading Consent Policy

**Published by
Redcar and Cleveland Borough Council**

Published: 23 November 2023

Version No.	Amended by	Date
1.0	Stephen Brown	23/11/2023

Contents

Street Trading Consent Policy	1
<i>General policy.....</i>	<i>4</i>
Applying the policy.....	4
Equality and diversity.....	4
<i>Street trading consents</i>	<i>5</i>
Prohibited streets	5
Redcar High Street pedestrian area	6
Land ownership.....	6
Council car parks.....	6
Suitability of trading unit	6
Other regulatory requirements	6
Application process for new street trading permit.....	7
Application process to renew a street trading permit.....	7
Application process for temporary street trading permits	7
Permit conditions.....	8
<i>Contacting the licensing team.....</i>	<i>9</i>
Complaints about the service	9
Complaints about permit holders	9
Other council contacts	9

General policy

1. This document sets out the policy that the authority will apply when making decisions about new applications and permits currently in force.
2. The policy will be reviewed at least every 5 years, but interim reviews will be considered should there be significant issues that require inclusion.
3. The BRDO (Better Regulation Delivery Office) Regulators' Code has been considered in order to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between the licensing authority and the trade.
4. Any guidance contained within this policy is to be treated as a guide only and final interpretation of the law will ultimately rest with the courts.
5. Any obligation in this policy not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done.
6. Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or re-enactment.

Applying the policy

7. This policy will be applied in the majority of cases when considering applications, but the licensing authority will consider each application on its individual merits and may, at times, allow exceptions to the general policy.
8. It will be the applicant's responsibility to show that an exception should be made and whether specific circumstances justify allowing an exception.

Equality and diversity

9. The council's policies and procedures will be applied fairly to all irrespective of race, religion, gender, disability, sexual orientation or age. This will apply to applicants for permits, customers and complainants.
10. The licensing authority will take a very serious view of any complaints of discrimination involving licensees.

Street trading consents

11. Street trading is regulated under the provisions contained in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. Generally, street trading means the selling of any article in a street. The term 'street' includes any road, footway, beach or other area to which the public have access without payment as well as a service area as defined by section 329 of the Highways Act 1980.
12. Generally, the following activities are not classed as street trading;
 - trading under a pedlar's certificate,
 - anything done in a market or fair (or occasional sale¹),
 - trading in a trunk road picnic area,
 - trading as a news vendor,
 - trading which is carried on at premises used as a petrol filling station,
 - trading which is carried on at premises, or in a street adjoining premises, used as a shop.
13. The council has designated the majority of streets within the borough of Redcar and Cleveland as 'consent' streets. This means that anyone who wishes to trade on a street, highway or other area to which the public have access without payment must hold a street trading consent.

Prohibited streets

14. For the purposes of this policy, the following locations have been designated by the council as 'prohibited' streets. This means that street trading is prohibited in this area.
 - Marine Parade, Saltburn
 - Lower Promenade, Saltburn
 - Majuba Road, Redcar
 - Newcomen Terrace, Redcar
 - Esplanade, Redcar
 - Plantation Road, Redcar
 - The A1085 (includes Trunk Road and Coast Road)
 - The A1042 (Kirkleatham Lane)
 - The A1053 (Greystones Road)
 - The A66
 - The A174
 - The A171
 - The A173
 - The B1267
 - The B1269

¹ In accordance with the County of Cleveland Act 1977

15. The above prohibited locations may have existing street traders that were in place prior to the policy implementation and can continue under grandfather rights. The council also reserves the right to allow trading at pre-determined 'approved' locations.

Redcar High Street pedestrian area

16. The pedestrian area of the High Street, Redcar is between West Dyke Road and West Terrace and runs from West Terrace to the Redcar Blue Town Clock and also includes the whole of Regent Walk.
17. The maximum number of permanent street trading consents allowed in the pedestrian area at any one time is four.
18. The maximum number of seasonal consents allowed in the pedestrian area is two.

Land ownership

19. Where the proposed trading location is situated on council land, the applicant will be required to gain permission from the council's Assets team prior to making an application.
20. Where permission has been given by the Assets team in the form of a land rental agreement, the applicant will still need to obtain a street trading consent to operate lawfully.
21. Where the proposed trading location is on privately-owned land, the applicant will need to demonstrate that they have the land-owner's permission to use that land prior to submitting an application.

Council car parks

22. Commercial activities in all council-managed car parks that operate a pay and display system are prohibited under the relevant traffic regulation order. Therefore, street trading is not permitted in these locations.

Suitability of trading unit

23. The vehicle, trailer or stall to be used for street trading should be of a high quality design and build and should add to the quality of the street scene. The unit may be inspected by an authorised officer of the council prior to any consent being issued.

Other regulatory requirements

24. Any sales of alcohol by a trader require authorisation under the Licensing Act 2003.
25. The sale of hot food or hot drinks between the hours of 11.00pm and 5.00am require authorisation under the Licensing Act 2003.
26. When you start a new food business or take over an existing business, you must register with your local authority. A food business is anyone preparing, cooking, storing, handling, distributing, supplying or selling food. You should contact the Food team at foodteam@redcar-cleveland.gov.uk.

Application process for new street trading permit

27. A street trading consent shall not be granted to a person under the age of 17 years.
28. An application for a new street trading permit must include the following:
 - a fully completed application form,
 - the consent fee,
 - photographs of the trading unit,
 - a plan or photos of the proposed location, and
 - evidence of permission to use the land from the landowner
29. All applications for new street trading locations are subject to a 28 day consultation with responsible bodies within the council as well as external bodies where it is considered appropriate.
30. If there are objections against the application, it will be referred to the council's Regulatory Committee for determination.

Application process to renew a street trading permit

31. An application to renew a street trading consent must include the following:
 - a fully completed application form,
 - the consent fee, and
 - a copy of the public liability insurance certificate
32. Renewal applications are subject to a 28 day consultation where it is considered appropriate.
33. If there are objections against the application, it will be referred to the council's Regulatory Committee for determination.

Application process for temporary street trading permits

34. An application for a temporary street trading consent must include the following:
 - a fully completed application form,
 - the consent fee,
 - photographs of the trading unit,
 - a plan or photos of the proposed location, and
 - evidence of permission to use the land from the landowner
35. All applications for new street trading locations are subject to a 14 day consultation with responsible bodies within the council as well as external bodies where it is considered appropriate.
36. If there are objections against a temporary application, the application will be determined by a licensing officer in consultation with the chair of the Regulatory Committee.

Permit conditions

37. The licensing authority may attach to a permit any such conditions as they may consider reasonably necessary. Unless there are exceptional circumstances that require a different approach, the following conditions will be imposed on all street trading permits:
- The trading unit and any associated materials or equipment must not protrude beyond the defined trading area.
 - The trading unit must be kept in good condition so as not to detract from the appearance of the street.
 - The permit holder will ensure that a copy of the permit and its conditions is kept at the trading location and is available for inspection by a licensing officer when trading is being carried out.
 - The permit holder must ensure that the trading area and the immediate vicinity is kept clean and tidy during the permitted hours of operation.
 - The permit holder is responsible for the containment and removal at the end of each trading period of any refuse arising from the trading.
 - The permit holder is required to allow highway maintenance and any other necessary remedial work to be carried out at the location covered by the permit.
 - The permit holder must take out public liability insurance to the sum of £5,000,000.

Contacting the licensing team

38. The licensing team can be contacted in the following ways:

- Email LicensingAdmin@redcar-cleveland.gov.uk
- Telephone: 01287 612377
- Post: Redcar and Cleveland Borough Council, Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT

Complaints about the service

39. Any dissatisfaction with the actions of an officer of the council will be dealt with under the council's complaints procedure, copies of which are available from offices of the council, by accessing the council's website (www.redcar-cleveland.gov.uk) or by telephoning Redcar & Cleveland Borough Council on 01642 774774.

Complaints about permit holders

40. Members of the general public are able to make complaints to the licensing authority about the conduct and/or service received from licensees and the licensing authority will adhere to the following procedure: -

- Ascertain the facts regarding the complaint and decide if actionable;
- Register the complaint and refer to an investigating officer;
- Contact the complainant within 5 working days;
- Investigate the complaint;
- Make a decision; and
- Inform all parties of that decision.

41. Licensees who are the subject of a written complaint will be informed of the nature of the complaint, including the date, time and location of the incident and, if necessary, given sufficient notice to attend any interview.

Other council contacts

42. Applicant's may wish to contact the following departments for advice before making an application:

- Planning: PlanningAdmin.Admin@redcar-cleveland.gov.uk
- Food Team: foodteam@redcar-cleveland.gov.uk
- Visitor Destination: enjoy@redcar-cleveland.gov.uk
- Assets: assetmanagementvaluation@redcar-cleveland.gov.uk