



# STREET TRADING POLICY AND GUIDANCE

**MARCH 2017**  
(Version 2)

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## **1 Purpose**

- 1.1 The purpose of Derbyshire Dales District Council's street trading policy is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.
- 1.2 Whilst the 2014 amendments to the Street Trading Order represent a significant deregulation of street trading in the main towns of the Derbyshire Dales it is not intended that all forms of street trading will be allowed, or that street trading will be uncontrolled. The purpose of this Policy is to make it clear that street trading will only be facilitated if the activity brings significant benefit to the communities of the Dales.

## **2 What is Street Trading?**

- 2.1 Street trading means selling, exposing or offering for sale any article (or living thing) in a street. The term 'street' includes any road, footway or other area to which the public have access without payment.
- 2.2 Derbyshire Dales District Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated the streets listed in **Appendix A** as prohibited and the streets listed in **Appendix B** as consent streets. The most recent amendment to the Street Trading Order was agreed in January 2014 and came into effect from 1<sup>st</sup> April 2014.
- 2.3 The effect of this designation is that street trading in any consent street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council. Street trading in any prohibited street is completely prohibited subject to the same legal exemptions.

## **3 Exemptions from the Need to Obtain Consent**

- 3.1 Some types of trade are legally exempt from the need to obtain a street trading consent. These are:
  - 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. In the Derbyshire Dales this means the authorised street markets held in Bakewell, Matlock, Wirksworth and Ashbourne;
  - 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 news vendor;
  - e) trading which is carried on at premises used as a petrol filling station or is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
  - f) trading as a roundsman.

## **4 Street Trading Consents for which Fees are not Payable**

- 4.1 Derbyshire Dales District Council will not require the payment of fees where street trading activities form part of a community event.
- 4.2 A community event is defined as one that is organised by the community for the community. It will be free to enter/attend and will not be for the purpose of selling or promoting a commercial product. Community events will generally be not for profit, but can still gain a community exemption if they are fundraising through charging entry to an event. These exemptions will only be offered where all money gained through entry charges, traders' fees, caterer's fees and any other means go directly to benefiting the community.

## **5 Site Assessment**

- 5.1 The District Council has identified the streets listed in **Appendix B** to this Policy as suitable for street trading. It is recognised that some forms of street trading will not be suitable in some authorised locations and therefore each application will be dealt with on its own merits.
- 5.2 In determining whether to issue a consent the District Council will have regard to:
- a) any effect on road safety, either arising from the proposed trading operation or from customers visiting or leaving;
  - b) any loss of amenity caused by noise, traffic or smell;
  - c) existing Traffic Orders e.g. waiting restrictions;
  - d) any potential obstruction of pedestrian or vehicular access;
  - e) any obstruction to the safe passage of pedestrians.

## **6 Consultation**

- 6.1 Before a new consent is issued the District Council will consult and seek observations from relevant bodies, which might include:
- a) occupiers of businesses immediately adjacent and opposite;
  - b) Derbyshire Constabulary;
  - c) Development Management (Derbyshire Dales District Council or the Peak District National Park Authority);
  - d) Derbyshire County Council Highways;
  - e) Derbyshire Dales District Council Environmental Services;
  - f) Derbyshire Dales District Council Environmental Health;
  - g) existing holders of street trading consents in the immediate area.
- 6.2 Any objections from consultees will be assessed against the criteria in paragraph 5.2 above and will be referred to the Head of Regulatory Services for determination.
- 6.3 District Council Ward Members and relevant Town and Parish Councils will be notified of all Consents issued.
- 6.4 Any significant proposed changes to the Policy or to Standard Conditions will be subject to consultation with stakeholders.

## **7 Nature of Goods and Trading Hours**

- 7.1 The nature of goods that may be sold by any trader will be specified in the consultation process. Any subsequent substantial change will be subject to the level of consultation in paragraph 6.1 above.
- 7.2 The District Council will not normally grant consent for the sale of goods or services which conflict with those provided by nearby shops.
- 7.3 Goods that may be sold will be considered on a consent by consent basis and particular regard will be had to local needs shopping, product/ service diversity and balance.
- 7.4 Routine street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined on a consent-by-consent basis. In the case of special events trading hours must be agreed with the District Council's Licensing Manager.
- 7.5 The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the District Council's Licensing Manager.

## **8 Issue of Street Trading Consents**

- 8.1 Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for the purpose of organised street markets and for mobile street artists.
- 8.2 Applications for Consents must be made no less than 4 weeks before the proposed use. Applicants will be encouraged to submit applications at the earliest possible date to help ensure that full consultation can be undertaken.
- 8.3 Fees for consents must be paid at the time of application.
- 8.4 Failure to maintain payments as above may result in the consent not being renewed.
- 8.5 Applications will be determined by the Licensing Manager or in her absence the Environmental Health Manager. Any appeal against a decision will be determined by the Head of Regulatory Services.
- 8.6 Consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is considered to be unsuitable to hold the consent.
- 8.7 The application form for a street trading consent is attached as **Appendix C**.

## **9 Fee Structure**

- 9.1 The fee structure will be determined annually by the District Council's Governance and Resources Committee. The current fees are detailed in **Appendix D**.
- 9.2 The Licensing Manager will determine whether any application for consent is exempt from fees. Any appeal against the decision of the Licensing Manager will be determined by the Head of Regulatory Services.

## **10 Conditions and Enforcement**

- 10.1 The standard conditions detailed in **Appendix E** will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 10.2 Specific conditions may also be attached such as the days and hours when street trading is permitted, the goods which may be sold and limitations on the size of the trading area. The decision to apply specific conditions will be made by the Licensing Manager. Any appeal against the decision of the Licensing Manager will be determined by the Head of Regulatory Services.
- 10.3 Failure to comply with conditions may lead to revocation or non-renewal of consent.
- 10.4 Persons trading without a consent and who are not exempt (see paragraph 3.1 above for examples) will be the subject of enforcement action in accordance with Derbyshire Dales District Council's Enforcement Policy. This may include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act.

## **11 Social Inclusion**

- 11.1 This policy will be applied in a manner that is consistent with the District Council's equalities policies.

## **12 General**

- 12.1 The District Council will wherever possible seek opportunities to promote street trading activities.
- 12.2 This Policy will complement and inform other initiatives of the District Council including those on events and street markets.
- 12.3 This Policy will be the subject to periodic monitoring and review.
- 12.4 This Policy will inform the detailed conditions attached to every street trading consent.

## **LIST OF PROHIBITED STREETS**

### **ASHBOURNE**

- Derby Road
- Old Derby Road (from junction with Wyaston Road to junction with Springfield Avenue)
- Station Street
- Sturston Road

### **BAKEWELL**

- Baslow Road from junction with Castle Mount Crescent
- Bridge Street
- Buxton Road
- Coombs Road
- King Street
- Matlock Street

### **MATLOCK**

- Bakewell Road from junction with Dimple Road to Crown Square
- Bank Road to junction with Imperial Road
- Dale Road from Matlock Bridge to Holme Road Matlock Bath

### **MATLOCK BATH**

- Clifton Road from main road
- Dale Road to its junction with Clifton Road
- Holme Road from main road to junction with Brunswood Road
- Temple Road from main road to Hotel
- Waterloo Road from main road to Waterloo Square

**LIST OF CONSENT STREETS**

<p><b>ASHBOURNE</b></p> <ul style="list-style-type: none"> <li>• Church Street</li> <li>• Cokayne Avenue</li> <li>• Compton</li> <li>• Dig Street</li> <li>• Dovehouse Green</li> <li>• Hall Lane</li> <li>• King Edward Street</li> <li>• King Street</li> <li>• Market Place</li> <li>• Park Road</li> <li>• St John Street</li> <li>• Station Road</li> <li>• Union Street</li> <li>• Victoria Square</li> </ul> <p><b>ASHFORD IN THE WATER</b></p> <ul style="list-style-type: none"> <li>• Buxton Road</li> <li>• Church Street</li> <li>• Court Lane</li> <li>• Fennel Street</li> <li>• Former Mill Lane from A6020 Church Street</li> <li>• Greaves Lane</li> <li>• Hall End Lane</li> <li>• Old Baslow Road (New Road)</li> <li>• Vicarage Lane from Buxton Road to junction with Hill Cross</li> <li>• Watts Green</li> </ul>	<p><b>BAKEWELL</b></p> <ul style="list-style-type: none"> <li>• Anchor Square</li> <li>• Bath Street</li> <li>• Castle Street</li> <li>• Church Alley</li> <li>• Granby Croft</li> <li>• Granby Road</li> <li>• Haddon Road</li> <li>• Market Street</li> <li>• New Street</li> <li>• North Church Street from Rutland Square to Sellors Yard (Barrats Yard)</li> <li>• Riverside Walk (Riverside Crescent)</li> <li>• Rutland Square</li> <li>• South Church Street from King Street to junction with Church Alley</li> <li>• Station Road from Bakewell Bridge to junction with Coombs Road</li> <li>• Water Lane</li> <li>• Water Street</li> </ul> <p><b>DARLEY DALE</b></p> <ul style="list-style-type: none"> <li>• Station Road</li> </ul>
<p><b>HARTINGTON</b></p> <ul style="list-style-type: none"> <li>• Church Street</li> <li>• Dig Street</li> <li>• Hall Bank</li> <li>• Hyde Lane</li> <li>• Market Place</li> <li>• Mill Lane</li> <li>• Stonewell Lane</li> </ul>	<p><b>MATLOCK BATH</b></p> <ul style="list-style-type: none"> <li>• North Parade</li> <li>• South Parade</li> </ul>

<p><b>MATLOCK</b></p> <ul style="list-style-type: none"> <li>• Causeway Lane from Crown Square to junction with Knowlestone Place</li> <li>• Crown Square</li> <li>• Firs Parade</li> <li>• Imperial Road to junction with Edgefold Road</li> <li>• Knowlestone Place</li> <li>• Matlock Bridge</li> <li>• Olde Englishe Road</li> <li>• Park Head Road</li> <li>• Steep Turnpike from junction with Causeway Lane to junction with New Street</li> </ul>	<p><b>TIDESWELL</b></p> <ul style="list-style-type: none"> <li>• Chantry Lane</li> <li>• Cherry Tree Square</li> <li>• Church Street</li> <li>• Commercial Road</li> <li>• Fountain Street (Fountain Square)</li> <li>• High Street</li> <li>• Market Place (Pot Market)</li> <li>• Market Square</li> <li>• Queen Street</li> <li>• Recreation Road</li> <li>• Whitecross Road from St John's Road to Recreation Road</li> </ul>
<p><b>WIRKSWORTH</b></p> <ul style="list-style-type: none"> <li>• Blind Lane</li> <li>• Chapel Lane</li> <li>• Coldwell Street</li> <li>• Cromford Road</li> <li>• Hammonds Court</li> <li>• Harrison Drive</li> <li>• North End</li> <li>• Old Market Place</li> <li>• St John Street</li> <li>• St Mary's Gate</li> <li>• The Causeway</li> <li>• West End</li> </ul>	



Licensing Team, Regulatory Services, Town Hall, Matlock, Derbyshire DE4 3NN

**APPLICATION FOR THE GRANT OF STREET TRADING CONSENT**

Applicant's full name(s) .....  
Please PRINT CLEARLY

(state if on behalf of organisation) .....

Applicant's full Address:  
.....  
.....  
..... Post Code .....

Daytime/home telephone number(s): .....

Mobile telephone number:.....

Email address (essential) .....

Applicant's date of birth: .....

Vehicle/Trailer registration number (if applicable) .....

Trading Name (if applicable)  
**(A separate list of all traders and vehicle details will be required for Food Fairs and similar events etc.)**

.....  
Please state where you wish to Trade: (Detailed site plan and a location plan of the area must be provided)  
.....

Type of Event/ Goods (A list of the stall holder and types of goods must be provided).

If you are selling Food – you will be required to provide evidence of the Food Hygiene Registration Rating you hold, and provide contact details of the Environmental Health Authority responsible for inspecting your business operation as we may need to contact them.

.....  
.....

**(Details will be required for each trader if the event is a food fair or similar large event)**

**State Days of Week and Hours you wish to trade on each day:**

(On a regular basis only – eg Weekly Thursday Market)

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**State Day(s), Dates and times you wish to trade on a single occasion(s):**

(for Specific Occasional Events such as Food Fairs, Xmas Markets, Carnivals, Arts/Music Festivals)

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**Applicant's Declaration**

**I have included:** please tick box

- Certificate of Public Liability (£5million minimum cover required, unless on Council-owned Land when £10million is required)
- Photograph or drawing of the intended trading stand/stall or vehicle
- Map/plan showing position of vehicle/stand/stall(s)
- Evidence of Food Hygiene Rating Score  
**Full List required for Food Fairs.**
- Any other supporting documentation/information:  
(eg road closure granted, Temporary Event Notice for Sale of Alcohol etc )
- Telephone Payment  
**Ring 01629 761313**

**Payment of Application Fee.**

An administration fee is required when applying for a street trading consent for commercial events. (Please see section 4 of the Policy and Guidance document)

The current fee is detailed in the covering letter with this application form.  
This fee is not refundable if the Consent is refused.

**Offences:**

If you have been convicted of any driving or criminal offences please give full details, with dates, below. If the answer is none, please state 'none'. Please include details of any cautions received.

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.....  
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.....  
.....  
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.....  
.....  
.....

Signed..... Date.....

Please Print Full Name: .....

Capacity: .....

Completed applications should be returned to: The Licensing Team, Regulatory Services, Derbyshire Dales District Council, Town Hall, Bank Road, Matlock, Derbyshire, DE4 3NN

Applications can also be emailed to [licensing@derbyshiredales.gov.uk](mailto:licensing@derbyshiredales.gov.uk) and a telephone payment made by calling: 01629 761313.

**NOTE:** Any Street Trading Consent granted does not supersede or replace any other permission needed from other authorities/statutory bodies, eg: environmental health (food hygiene and health & safety); planning, fire, police, highways, street scene, road closures, Derbyshire Dales District Council (licence to occupy Council land).

## **STREET TRADING CONSENT FEE STRUCTURE**

### **Application Administration Fee - £55**

Fees to be reviewed annually by the Governance and Resources Committee

Events considered to comply with the definition of Community Events will be exempt from the administration fee.

**STREET TRADING CONSENT CONDITIONS  
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982  
PART III SCHEDULE 4 - STREET TRADING**

A “consent street” means a street in which street trading is prohibited without a consent granted by Derbyshire Dales District Council. This includes all streets listed in Appendix B of the District Council’s Street Trading Policy.

“street” includes any road, footway or other area to which the public have access without payment

“street trading” means selling or exposing or offering for sale of any article including a living thing in a street

**STANDARD CONDITIONS**

Under section 7 of the Local Government (Miscellaneous Provisions) Act 1982 when granting or renewing a street trading consent, the District Council may attach such conditions to it as it considers reasonably necessary.

1. The trader shall not cause any obstruction of the street or any danger to any persons using the street.
2. The trader shall not cause any nuisance or annoyance to any other person whether that person is using the street or otherwise, or to the occupier of any building in proximity to the consent site.
3. A street trading consent cannot be issued to any person under seventeen years of age.
4. The District Council may include in a street trading consent permission for the holder to trade in a consent street from a stationary van, car, barrow other vehicle or portable stall.
5. That consent will specify where the holder of the consent may trade and the times and periods he or she may trade.
6. That a street trading consent may be granted for a period not exceeding a twelve month period.
7. The holder of a street trading consent may employ any other person to assist him in trading without a further consent being required providing that person has attained seventeen years of age.
8. The District Council may at any time vary the conditions of a street trading consent or revoke at any time.
9. There is no right of appeal to the Magistrates’ Court against the variation of a condition or refusal to grant or renew a street trading consent. Any informal appeal will be determined by the Head of Regulatory Services.

## **ADDITIONAL CONDITIONS**

The District Council may require the following additional conditions be attached to a street trading consent.

1. A certificate of insurance covering public liability to a minimum amount of 5 million pounds shall be produced. (or £10 million, if the event is on Council-Owned Land).
2. There shall be no means of attracting attention for the purposes of trading or any stands or signs away from the consent site.
3. Any food trader must comply with the requirements of food safety and health and safety at work legislation.
4. The trader shall display the Council issued street trading consent at all times whilst trading.
5. The location of trading will be dependent upon:
  - a) The closeness of any shop selling similar commodities;
  - b) The closeness of any other street trading consent selling a similar commodity;
  - c) The decision of the licensing authority.
6. The consent holder must provide a receptacle to collect any waste, refuse or litter resulting from trading. All must be removed from the trading location and properly disposed of at the end of each day's trading.
7. Any authorised vehicle must be roadworthy, have current relevant documentation and internal and external appearance including stall shall be maintained in a clean, neat and tidy condition.
8. Any stall, or authorised vehicle used for street trading must be immediately removable at all times in the event of an emergency or at any other time be removed at the request of any officers of the emergency services or officer of the Council.
9. No stall shall remain situated for longer than one hour after the authorised trading times.
10. No consent holder shall trade at his authorised location on dates when road closure directives are in place for special events, otherwise than with permission of the organisation applying for the road closure.
11. The consent holder shall be subject to any additional fees or charges levied by virtue of that area being subject to any market day or other special designated date.
12. The consent holder or assistant shall be clean and tidy and behave in a civil and orderly manner at all times.
13. When requested to do so by an authorised officer of the Council or police officer the trader shall produce the consent for inspection.
14. The consent is not transferable and is personal to the consent holder.

15. 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.
16. Failure to comply with any of these conditions may result in this street trading consent being revoked or refused or the Council may attach further reasonable conditions to the consent which it appears appropriate to meet particular circumstances.
17. The consent must be surrendered to the Council if the consent holder ceases trading.
18. Adequate precautions shall be taken by the consent holder to prevent the risk of an outbreak of fire at his/her stall or vehicle where a power source or heating appliance is present, eg a generator or bottled gas container, in these circumstances appropriate fire extinguisher must be provided

Derbyshire Dales District Council cannot and will not accept any liability for any accident or damage to any person, property or other thing whatsoever arising out of or in connection with the activities of the Licensee or matters relating to a street trading consent.

(Note: The granting of a street trading consent does not in any way supersede any requirements by other statutory bodies, such as highways, fire or police authorities, planning, food hygiene, health and safety regulations etc.....)

DDDC/RS/LN/ET/8 March 2017