

**Licensing Services
Scarborough Borough Council
Town Hall
St Nicholas Street
Scarborough
YO11 2HG**



Street Trading Consent – Guidance for Applicants

Any person wishing to sell any goods on a street in the Scarborough Borough area may only do so under the authority of a Consent issued by Scarborough Borough Council. The definition of a street includes any road, footway, or other area to which the public have access without payment (such as public parks, supermarket car parks or other private land).

The Street Trading Policy is attached to this guidance; all applicants are advised to read this carefully prior to submitting an application.

Permissions

If you wish to trade on private land you must obtain written approval from the land owner prior to making an application. If you believe the land may belong to the Council, you should first contact the Council to discuss the use of the land.

You may also require planning permission if the trading unit is a fixed, permanent structure. It is the applicant's responsibility to determine whether planning permission is required. Even if a Street Trading Consent has been granted, you will not be able to trade without the relevant planning permission.

If you are a mobile food trader, who normally keeps the stall/unit/vehicle overnight anywhere in the borough, you are also required to register with our Commercial Regulation Team. In addition, if you intend to sell hot food and/or hot drinks between the hours of 11.00pm and 05.00am will also need to submit an application for appropriate permission under the Licensing Act 2003. The applications will be considered separately and obtaining one does not imply that the other will be granted.

All the above departments can be contacted via the Council's Self-Serve Portal or by contacting Customer First on 01723 232323.

Making a new application

To apply for a new Street Trading Consent you need to submit the following documentation:

- a) A completed application form and appropriate fee (fees below).
- b) A passport-sized photograph of each applicant for the Consent and each assistant.
- c) A location plan of where the vehicle/stall will be positioned in an appropriate scale to identify the exact location of the vehicle/stall and surrounding areas and streets. The plan must clearly identify the proposed street trading site and the ground dimensions it will cover.
- d) A minimum of three colour photographs of the trading unit illustrating the front, rear and side views of the unit.

- e) A full list of every street in which you intend to trade (e.g. for ice cream vans or other mobile trading applications).
- f) A basic level disclosure check with a date within three months of the application for all applicants.
- g) Written permission from the landowner, if trading is to take place on private land.
- h) Planning permission for the use of the land or written evidence to say planning consent is not required.
- i) Written details of the proposed arrangements for the storage, collection, removal and disposal of refuse.
- j) Where a Pavement/Amenity licence is also required written consent from North Yorkshire County Council's Highways Authority.
- k) A copy of your valid insurance certificate for public liability of at least £2 million.

An application fee of £100 for those seeking to trade for up to 3, 6 or 12 months is payable for an initial enquiry into the suitability of a proposed location. If the site is not approved then the £100 fee will be retained to cover administrative costs. If the application is approved the applicant must submit the balance of the relevant fee before the Council will issue the Consent.

Submitting your application

Send your completed application form along with appropriate fee to:

Licensing Services
Scarborough Borough Council
Town Hall
St Nicholas Street
Scarborough
YO11 2HG

Cheques should be made payable to Scarborough Borough Council

Consultation

Following receipt of a fully completed application for Consent, the Council will consult with the following:

- North Yorkshire Police and Fire & Rescue Services
- North Yorkshire County Council's Highways and Trading Standards Services
- North York Moors National Parks Authority (where the site falls within the National Park)
- The Council's Environmental Services Department (i.e. Commercial Regulation and Cleansing teams)
- The relevant Ward Councillors for the area where street trading is proposed
- Various Council Departments including Planning and Economic Services, Tourism and Culture, Estates', Safer Communities, Legal Services Department, Finance

In some cases additional consultation may take place as deemed appropriate for the circumstances of the application.

Each application will be subject to a consultation period of 10 working days following receipt of a fully completed and valid application to allow for any relevant comments to be returned. At the end of the consultation period the applicant will be advised as to the responses received in respect of the consultation and of the next stage of the application process.

Grant or Refusal of a Street Trading Consent

Following the 10 working day consultation period the Council will either:

- a) Grant the Consent, attaching any conditions deemed necessary.
- b) Refuse the application, where an application is refused full reasons for that decision will be provided.
- c) Refer the application to the Licensing Sub-Committee for determination.

Where an application is referred to the Licensing Sub-Committee, the applicant will be informed of the hearing date and associated information.

Applicants should be aware that there is no statutory right of appeal to the Magistrates Court in respect of any decision made in relation to a Street Trading Consent.

Exemptions

A Street Trading Consent is **not required** if you are:

- a) A pedlar with a valid pedlar's certificate issued by a chief constable of police
- b) Trading in a charter market or a statutory market
- c) Trading in a trunk road picnic area under the Highways Act 1980
- d) Trading as a newsvendor within a maximum area of 0.25 square metres and only sell newspapers and periodicals
- e) Trading as a roundsman
- f) Undertaking a permitted street collection
- g) Trading on premises used as a petrol station or on the street adjoining premises used as a petrol station and you own the shop or petrol station
- h) Trading in a kiosk placed on a highway under the Highways Act 1980
- i) Operating refreshment facilities under the Highways Act 1980.

As a matter of policy, a Street Trading Consent will also **not be required** for the following activities:

- a) Sales of articles by householders on land within the curtilage of their property, for example garage sales.
- b) Goods from working farms or smallholdings sold at the premises where they were produced.
- c) Trading as part of an established travelling fair where permission for the event has already been granted by Scarborough Borough Council.
- d) Non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity, educational organisation or community based organisation.
- e) Annual events that are essentially non-commercial i.e. community or charitable events provided that:

- the event organisers have consulted with residents and businesses prior to holding the event.
- a letter of intent from the event organisers is submitted to the Licensing Authority a minimum of 10 working days prior to the event providing details of the event.
- traders attending the event are pre-booked by the event organisers.

****Street Collection Exemption (i):** Where a Street Collection Permit is in force there is no requirement for a Consent. However, where a Street Collection Permit is not in force and the sale of articles takes place for a charitable or other purpose a Consent application and fee will be required.



Application for Grant/Renewal of Street Trading Consent

Application for grant/renewal of consent to sell, expose or offer for sale any article in or on any street or other place designated as a consent street under Section 3 and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

- Please complete **all** sections of the form.
- All applicants must sign and date the form.
- Submit the application to the Licensing Services at the above address.
- If you are applying to renew an existing consent but want to change the location, the trading hours or the type of goods being sold, you may need to make a new application – please contact the Licensing Services for advice before submitting the application.

SECTION A

Please indicate the type of application you want to make by ticking the appropriate box below -	
I want to apply for a new street trading consent:	
I want to renew an existing street trading consent:	
Current consent number:	

SECTION B - PERSONAL DETAILS – 1st Applicant

Full name					
	Home Address				
Date of Birth	Home Telephone No.	Postcode			
		National Insurance No.			
Email address		Mobile Telephone No.			
Has the above applicant ever been refused a Street Trading Consent by this or any other local authority?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If yes, give dates and details below

SECTION C - PERSONAL DETAILS – 2nd Applicant (if applicable)

Full name			
Home Address			
Date of Birth	Postcode	National Insurance No.	
Home Telephone No.	Mobile Telephone No.		
Email address			
Has the above applicant ever been refused a Street Trading Consent by this or any other local authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	If yes, give dates and details below

If there are more than 2 applicants please use a separate sheet.

SECTION D - TRADING DETAILS – please submit a location plan showing where the stall/vehicle will be positioned in an appropriate scale identifying the exact location of the vehicle/stall and surrounding area/street.

Trading Name (if applicable):			
Type of Trading	Mobile Trader	<input type="checkbox"/>	
	Fixed Site/Stall	<input type="checkbox"/>	
	Car Boot Sale	<input type="checkbox"/>	
	Special Event	<input type="checkbox"/>	
	Commercial selling of a vehicle on the highway	<input type="checkbox"/>	
Street name and <u>precise</u> location on the street where trading will take place (fixed location trading): Please describe exactly where on the street the trading unit is located; e.g. 'on the corner of...', 'next door to...', 'adjacent to...' etc. You may want to include a map to illustrate the location.			
Streets where trading will take place (mobile trading): Please list all streets where you wish to trade. Use a separate sheet if necessary.			
Street Trading period – mobile traders & fixed stalls	3 months <input type="checkbox"/>	6 months <input type="checkbox"/>	12 months <input type="checkbox"/>
Street Trading period – Charitable Stall, Car Boot Sale, Commercial vehicle sale, Special Event	Please provide dates: From: To:		

SECTION E - TRADING DAYS & TIMES (state the times you wish to trade each day)

Day	Times			
	AM		PM	
	Start	Finish	Start	Finish
Example:				
Monday	0800	1200	1300	1500
			1900	2100
Monday				
Tuesday				
Wednesday				
Thursday				
Friday				
Saturday				
Sunday				

SECTION F- GOODS TO BE SOLD (Please give details of all items to be sold)

Example: Confectionary	sweets, crisps, chocolate
Ice Cream	
Confectionary	
Fresh Fruit/Vegetables	
Flowers	
Hot Drinks	
Cold Drinks	
Wet and Dry Fish	
Seafood	
Cold Food	
Hot Food	Tick all boxes that apply Baked Potatoes <input type="checkbox"/> Fish/Chips <input type="checkbox"/> Kebabs <input type="checkbox"/> Curry <input type="checkbox"/> Burgers <input type="checkbox"/> Hot Dogs <input type="checkbox"/> Kebabs <input type="checkbox"/> Fried Chicken <input type="checkbox"/> Crepes/Pancakes/Doughnuts etc. <input type="checkbox"/> Sausages/bacon/eggs etc. <input type="checkbox"/> Other (please state below) <input type="checkbox"/>
Other – please specify	

SECTION G - DETAILS OF FOOD BUSINESS REGISTRATION

Please Note: To store, prepare, distribute or sell food on any premises the business should be registered with the local authority where the trading unit is usually kept.

Do you intend to trade in any food items?

Yes No

If yes, please give details of the local authority where the business is registered:

Local Authority Name:	
Local Authority Address:	
Registration Reference:	
Date first Registered:	

SECTION H - TRADING UNIT DETAILS – please submit 3 x photographs with your application showing the front, rear and side views of the trading unit.

Type of trading unit:	Mobile Catering Unit <input type="checkbox"/> Ice Cream Van <input type="checkbox"/> Stall <input type="checkbox"/> Barrow <input type="checkbox"/> Cart <input type="checkbox"/> Other (please state) <input type="checkbox"/>
Vehicle Registration (if applicable):	
Colour(s) of trading unit:	
Trading unit measurements:	Height : _____mtrs _____cms Width: _____mtrs _____cms Length: _____mtrs _____cms

SECTION I – ASSISTANT DETAILS (all assistants must wear a badge issued by the Licensing Services and the applicant must include a passport-sized photograph of each assistant with this application)

Do you intend to engage assistants?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state how many:	

This section continued over the page

Please supply full details of all assistants:	
Title: Full Name: Address: Post Code: Date of Birth:	Title: Full Name: Address: Post Code: Date of Birth:
Title: Full Name: Address: Post Code: Date of Birth:	Title: Full Name: Address: Post Code: Date of Birth:

If there are more than 4 assistants please use a separate sheet.

SECTION J - ARRANGEMENTS FOR THE STORAGE, COLLECTION, REMOVAL AND DISPOSAL OF REFUSE

Please provide details here:

SECTION K - CONVICTIONS – Non-disclosure will be a criminal offence under Schedule 4, Section 10 of the Local Government (Miscellaneous Provisions) Act 1982

Do the applicant(s) and assistants have any unspent convictions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>If yes, please provide details here - Non-disclosure will be a criminal offence under Schedule 4, Section 10 of the Local Government (Miscellaneous Provisions) Act 1982</p>	

Please ensure you have read and understood the guidance notes. Before you submit your application, tick the following boxes to ensure you have enclosed all the necessary documents. Any omissions will result in the return and delay of your application.

Please tick

A completed and signed application form:	<input type="checkbox"/>
The relevant application fee	<input type="checkbox"/>
A passport-sized photograph of each applicant for the consent and of each assistant named in the application.	<input type="checkbox"/>
A basic criminal disclosure check with a date within three months of the application for all applicants.	<input type="checkbox"/>
A location plan of where the vehicle/stall will be positioned in an appropriate scale to identify the exact location of the vehicle/stall and surrounding areas and streets. The plan must clearly identify the proposed street trading site and the ground dimensions it will cover.	<input type="checkbox"/>
A minimum of three colour photographs of the trading unit illustrating the front, rear and side views of the unit.	<input type="checkbox"/>
Written permission from the landowner (if trading is to take place on private land)	<input type="checkbox"/>
Planning permission for the use of the land or written evidence to say planning consent is not required	<input type="checkbox"/>
Where a Pavement/Amenity licence is also required written consent from North Yorkshire County Council's Highways Authority.	<input type="checkbox"/>
A copy of your Public Liability Insurance (of at least £2 million)	<input type="checkbox"/>
A copy of your risk assessment	<input type="checkbox"/>

Declaration and signature(s):

Please note, it is a criminal offence, for which you may be prosecuted, if you knowingly make a false statement or omit any information from this application. Any person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

I declare that to the best of my knowledge and belief, the answers given herein are true. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence, which is punishable by a fine.

Signature of 1st applicant:

Full Name: **Date:**

Signature of 2nd applicant:

Full Name: **Date:**

Using your personal information

We will process your personal information in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. We may use your personal information in a number of ways, but only for the purposes for which it was given, for example to provide you with the information or services requested or to administer and protect public funds. We may share your information with, and obtain information about you from, other departments of the Council or other organisations where it is lawful to do so, for example to check the accuracy of information or to prevent or detect crime. For further information on how we collect, use, share, secure and retain your personal information, and your legal rights, please see our Privacy Notice at www.scarborough.gov.uk/gdpr or by contacting Customer First. Our Data Protection Officer can be contacted at the Town Hall, St Nicholas Street, Scarborough, YO11 2HG (tel 01723 232323 or email dataprotection@scarborough.gov.uk).