

Street trading is subject to legal regulations. The following information is designed to set out in detail what regulations apply to street traders and how they are enforced.

### **Introduction**

All streets within the City of York Council area are designated Consent Streets for the purpose of street trading under Paragraph 2(1) of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act). This means that a Street Trading Consent issued by the City of York Council is required where articles are sold or offered for sale in the street or on land to which the public have access without payment.

Under the Act “street trading” means the selling or exposing or offering for sale of any article in a street. A “street” includes any road, footway, beach, any part of a street or other area to which the public have access without payment.

### **Who Needs a Street Trading Consent**

If you sell or offer for sale any article on the streets of York or on any other public open area where the public have access without payment then you need a street trading consent issued by this Council.

### **Penalty**

Any person engaged in trading without a valid Consent or contrary to the terms of any Consent shall be liable on summary conviction to a fine not exceeding £1,000.00.

### **How to Obtain a Street Trading Consent**

You must be over 17 years of age.

You need to complete the relevant application form obtainable from the Environmental Regulation Unit Licensing Section. The form asks for details of:

- The person who will be carrying on the business and is applying for the Consent
- Any persons who will be working as assistants
- The exact location where you propose to trade (if stationary) or the area(s) of the city or routes where you wish to trade (if mobile)
- The days and hours you wish to trade

- The type of business which you propose to operate and the goods you intend to sell

Each application received is given due consideration, therefore, you need to give as much detailed information as possible regarding your proposed site, venture and unit/trailer. (You may include any information to support your application eg photographs, diagrams, details of previous trading in the area, etc).

It is an offence for an applicant to make any false statement in the grant application. Any person guilty of this offence shall be liable on summary conviction to a fine not exceeding £1,000.00.

### **Restrictions on Trading Locations**

The Consent system is designed to control street trading within the area by ensuring that:

- Traders are bona fide
- An area is not saturated with street traders to the detriment of permanent businesses and the local authority
- Food businesses are registered with the local authority
- The highway is not obstructed
- The presence of the trading unit does not present a danger to pedestrians and other road users
- Annoyance is not caused to residents

Street trading will not be allowed in Parliament Street or St Helen's Square, anywhere on the A1237 or A64, or on lay-bys without a grass verge which effectively separates the lay-by from the highway.

Trading hours are considered under the consultation procedure, however if you intend to sell hot food or hot drink after 11.00 pm you will also require a Premise Licence under the Licensing Act 2003.

### **Trading on Private Land**

In order to trade on private land within the City of York area you should first have the permission of the landowner. You will then need to apply for a Street Trading Consent.

It is also probable that planning permission will be required before a site can be established.

## **On Receipt of the Consent Application**

Under normal circumstances we will usually make a decision within 28 days and we will notify you of this in writing. The time taken for a decision to be made will depend upon the proposed location of the site and whether any consultation processes need to be undertaken with other interested parties such as the Highway Authority, the Police or Parish Councils.

You will be notified of the decision in writing.

If your application is successful you will be asked to supply two passport size photographs of yourself and full details and two passport size photographs of any assistants employed by you to work the unit/stall.

Where an application is refused there is a right of appeal to the Appeals Committee (Corporate and Environment) through the Committee Secretary at the Guildhall, York, YO1 9NQ.

## **Public Liability Insurance**

If your Consent is granted you will need Public Liability Insurance before you are allowed to trade. All trading activities and associated operations carried out in connection with a Street Trading Consent should be covered by Public Liability Insurance at all times.

## **Street Trading Consent Fees**

Fees vary depending on location and can be broken down into 12 monthly instalments. These fees do not include any provision for cleaning your trading site. It is the responsibility of the consent holder to keep the site and surrounding area clean and tidy during trading hours, and to remove all refuses at the end of each trading day.

## **Renewal of Street Trading Consent**

Street Trading Consents need to be renewed on an annual basis on the 1 April. Reminders will be sent in February/March. Renewal is not guaranteed.

## **Additional Information**

Many traders operate stalls that sell food and are subject to legislation covering the hygienic operation of their businesses. Important information regarding food safety is attached as is general safety advice regarding the use of liquid petroleum gas on stalls if applicable.

If you require any further information regarding this subject please contact the Licensing Section on York (01904) 552512 or email [licensing.unit@york.gov.uk](mailto:licensing.unit@york.gov.uk).

Details regarding other services provided by the Licensing Section can be found on the City of York Council website [www.york.gov.uk](http://www.york.gov.uk).


This information can be provided in your own language.

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