

Walsall Council Street Trading Policy

Effective Date: [Insert Date]

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1. Introduction

Walsall is a historic market town in the West Midlands of England with a rich heritage dating back to the 13th century. Known for its leather industry, Walsall has evolved over the centuries and now boasts a vibrant community and diverse economy. This Street Trading Policy outlines the guidelines and regulations for street trading activities within the jurisdiction of Walsall Council. It is designed to ensure that street trading is conducted in a manner that promotes public health, safety, and order.

Walsall has an estimated population of 286,700 (ONS 2020 Mid-Year Estimates), comprised of approximately 21.7% children 0-15 (62,300), 60.8% working-aged 16-64 (174,300), and 17.5% 65 years & over (50,100), giving a dependency ratio of 0.64 dependents to every 1 working age adult.

Deprivation is deeply entrenched in Walsall and had worsened during the recession. The 2019 Index of Multiple Deprivation now ranks Walsall as the 25th most deprived English local authority (out of 317), placing Walsall within the most deprived 10% of districts in the country (33rd in 2015, 30th in 2010 and 45th in 2007).

44 out of 167 neighbourhoods (LSOAs) are now amongst the most deprived 10% in England compared to 34 in 2015 - This shows that deprivation has worsened. There are extremes of deprivation, with central and western areas typically much more deprived than eastern areas, although pockets of deprivation exist even in the more affluent parts of the borough.

Walsall fares particularly badly in terms of income (16th), education, skills & training deprivation (11th) and employment (38th) and many of the issues that challenge the borough match the geography of deprivation.

The name Walsall is thought to have derived from the words "Walh halh", meaning "valley of the Welsh speakers" (referring to the Brythons). Walsall is first referenced as 'Walesho' in a document dated 1002. Possibly as a result of a clerical error, it is not referred to in the Domesday Book, while the settlements of Aldridge, Bescot, Shelfield, Pelsall, Bloxwich, Great Barr and Rushall within the Metropolitan Borough are. However, it is believed that a manor was held here by William FitzAnsculf, who held numerous manors in the Midlands. By the first part of the 13th century, Walsall was a small market town, with the weekly market being introduced in 1220 and held on Tuesdays. The mayor of Walsall was created as a political position in the 14th century.

This policy is a decision making framework for the consideration of applications for street trading consents. The aim of the policy is to create a street trading environment which is sensitive to the needs of the public and consumer choice, promotes a healthy borough, ensures safety and contributes to the character and ambience of the local environment. Street trading can aid the local.



2. Objectives

Committees

The licensing of street trading is a Council function that is discharged by the Council's Licensing and Safety Committee to Licensing Sub-Committee and officers in accordance with delegated authority set out in the Council's Constitution.

Whilst officers and the relevant committees will, in the majority of cases, follow the Policy, there may be specific circumstances that require a departure from the Policy. In such circumstances, the reasons for departing from the Policy will be made clear.

Licensing & Safety Committee - This Committee is made up of 15 members of the Council. It deals with policy issues, standard conditions of consents and the setting of fees and charges.

Licensing Sub-Committee - The Committee has been established to consider applications and hear objections in relation to licensing matters, it is made up of a selection of Members from the Licensing & Safety Committee. Five Members (Quorum of 3) will sit on hearings to consider new/renewal applications with objections, reviews of consents that are referred by officers, and any other matter officers feel necessary.

Members, when determining new applications, renewals or reviews of a consent, will have regard to the Local Government (Miscellaneous Provisions) Act 1982 and other relevant legislation including the Human Rights Act 1998, the Equality Act 2010, any relevant legal case law and other relevant Council policies in particular the Enforcement Policy.

On receipt of relevant written concerns and/or if the applicant has not met the criteria, arrangements will be made for the application to be heard by the Licensing and Safety Sub-committee. The applicant and all parties who have raised concern(s) will be notified in writing of the date, time and place where the application will be determined.

Walsall Council adopted Street Trading legislation under the Local Government (Miscellaneous Provisions) Act 1982 in 1983. All the streets in the borough were designated as consent streets in December 2024. This policy has been created to accommodate the modern era and protect members of the public and communities in Walsall e.g. businesses and street traders.

The intention of this Policy is to provide guidance on matters, which should be considered when deciding whether to grant to a person a Street Trading consent. Its aim is to provide, insofar as is possible, consistent decision making so as to develop and thereafter maintain public confidence in Walsall Council's performance of its duties.

Street trading provides valuable employment opportunities for local people as well as a seedbed of entrepreneurship, allowing new entrants to test their business skills and ideas in an environment which has a low start-up costs, minimal overheads and existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh fruit and vegetables, flowers, crafts, household goods and other services for local communities, those travelling to work, and the visitors to Walsall. Street trading supports the Council's priority to encourage a vibrant and prosperous economy, as well as contributing to a healthy environment for residents.

The introduction of the policy is to promote the licensing objectives introduced by Walsall Council:

- Public Safety
- Prevention of crime and disorder
- Prevention of public nuisance
- Visual Amenity
- Needs of the area
- Protection and promotion of our residents health and wellbeing.

3. Definitions

The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as ‘the sale and exposing or offering for sale of any article, (including a living thing) in a street’.

The Act defines the term ‘street’ as including:

‘any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980’.

The broad definition of ‘street’ ensures that other areas, such as gardens, car parks, fore courts etc are captured under the legislation.

The Act in paragraph 1(2) of schedule 4 states that the following types of trade are not street trading:

- A pedlar trading under the authority of a pedlar’s certificate granted under the Pedlar’s Act 1871;
- Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- Trading in a trunk road picnic area provided by the secretary of state under section 112 of the Highways Act 1980.
- Trading as a news vendor.
- Trading carried on at a premises used as a petrol station.
- Trading carried on at premises used as a shop or in a street adjoining a shop where the trading carried on is part of the business of the shop.
- Selling things, or offering or exposing them for sale as a roundsman.

Local authorities can place conditions on any Consent granted.

The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine not exceeding level 3 (£1,000).

Street Trading will not be allowed on Motorways or any road where there are concerns around Public safety. Please ensure that a route is provided to ensure that these are taken into consideration.

4. Types of Consents

This policy includes three types of consents for street trading activities:

4.1 Mobile Consents

Mobile consents are for traders who operate from a movable vehicle or stall and do not remain in one location. This consent may last up to 12 months unless otherwise revoked by Walsall Council. The consent enables the trader to trade from streets within the borough of Walsall, where a route has been provided for the local authority.

4.2 Static Consents

Static consents are for traders who operate from a fixed location, such as a market stall or kiosk. The consent may last for any period not exceeding 12 months unless otherwise revoked by Walsall Council.

4.3 Temporary Consents

Temporary consents are for short-term trading activities, such as those conducted during events or festivals. This type of consent is for short period of time mainly used for special occasions (e.g. Mothers Day/Valentines Day/Christmas Period).

The Council will adopt any reasonable conditions that it deems necessary and appropriate to ensure that traders comply with relevant legislation and the fundamental purpose of the Policy.

Street Trading consents are issued for a maximum period of 12 months from the date of grant.

The council may at any time vary the conditions of a street trading consent.

Street Traders are only permitted to operate one vehicle/trailer/stall etc. per consent at any one time. Should applicants wish to operate a second site/vehicle they will be required to submit an additional application.

5. Criteria for Street Trading

All street trading activities must adhere to health and safety regulations to ensure the well-being of the public. This includes hygiene standards, proper waste disposal, and food safety practices.

Public Safety

- The proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction.
- Some locations may be considered unsuitable or may require an officer visit before a consent can be issued.
- Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.
- Applicants will be required to provide risk assessments in relation to their businesses.
- Risk assessments must take into consideration flammable substances, storage of flammable substances.

Prevention of Crime & Disorder

- The proposed activity should not present a risk to the public or the trader.
- Risk assessments must also take into consideration the handling of cash and the time of trading.
- Any utensils or cutlery must be kept safe and away from access to it by members of the public.
- Policy to be in place for the sale of age restricted products

Prevention of Nuisance

- The proposed activity should not present a risk to the public or the trader.
- Risk assessments must also take into consideration the handling of cash and the time of trading.
- Any utensils or cutlery must be kept safe and away from access to it by members of the public.
- Policy to be in place for the sale of age restricted products

Protection and Promotion of our residents Health & Welbeing

- The goods being sold should not have a negative impact on health.
- When assessing each application, a key consideration will be how the health of the public in Walsall can be protected and promoted as far as reasonably practicable, this includes protecting the health of adults and children.

- The needs of the area will be considered. The Council reserve the right to consider the locality of goods being sold near schools, gyms, leisure centres, parks and sports venues. The Council will also consider the amount and type of goods already being sold in vicinity to the proposed activity.

Visual Amenity

- The council expects a high standard of presentation and appearance from its street traders.
- The appearance of the stall must be clean and tidy and free from any rust or damage.
- Stalls must be clean at all times.

Needs of the Area

- The sufficiency of other trading outlets selling the same or similar goods/products within 200 metres (excluding Town or District Centres) will be taken into consideration when deciding applications.
- The Council reserve the right to consider the locality of goods (including food) being sold near schools, leisure centres, parks and sports venues. The Council will also consider the amount and type of goods already being sold in the vicinity to the proposed activity.

Applicant Suitability

- Each application will be sent to appropriate responsible authorities for consideration.
- Walsall Council will consider any convictions or cautions the applicant may have.
- Each applicant will be required to submit a basic disclosure (for the purposes of a street trading application the certificate will only be valid for three calendar months from the date of issue).
- Proof of right to work in the UK will be required.
- An applicant's history of street trading will be taken into consideration e.g. whether previous street trading consent has been used appropriately, whether deadlines have been adhered to and the reliability of the applicant in paying fees and charges.
- Where an applicant has been refused a street trading permission for another local authority, requests will be made for details and information received will be taken into consideration in determining the application.
- Applicants selling food will be required to be registered with Environmental Health as a food outlet
- Evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food

business operator and those staff who have a supervisory role in the preparation and handling of open high risk foods will be required;

- Applicant's will be inspected by our Environmental Health Team once Consent has been granted.
- Applicant's will be required to obtain a minimum 4 star rating from the Environmental Health team, should you not receive the minimum star rating, your consent may be revoked/refused (this includes temporary traders).
- Applicants will be expected to have an awareness of the CIEH's guidance on outdoor & mobile catering if selling food
- Vendors will be required comply with food and safety requirements.
- You must adhere to the Governments [Healthier Catering Tips for Foods Businesses](#),

Criminal record disclosure is relevant to those persons who wish to apply for a street trading consent because the council has a responsibility to ensure the suitability of the applicant for this particular permission.

Additional workers

- Any additional persons working from the stall must have submitted an additional worker form to the licensing authority.
- Additional worker will be someone who will be working for more than 7 days.
- All street traders and additional workers must pay a fee for an Identification badge (ID) to be issued to them.
- ID badges must be worn and visible to members of the public whilst trading.
- The licensing authority must be notified in writing on circumstances where temporary cover of trading has been arranged, this cannot exceed 7 days.

Suitability of Trading Stall/Van/Vehicle/Unit

- The stall to be used should be of a high quality design, build, add to the quality of the street scene and be adequate for the purpose intended.
- The stall may be inspected by an officer from Walsall Council prior to the consent being issued.
- The stall will comply in all respects with any legal requirements relating to the activity proposed.
- The stall must be removed each evening, unless it is permitted to remain in situ.
- The stall shall be of such a design that it facilitates timely and efficient removal.
- The stall shall be of robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.
- Stalls and ancillary equipment and stock must be contained within the site.
- Prior to any consent being issued or in cases where a consented trader wished to change the stall, prior approval must always be sought from the

Council. Proposals must include all display equipment and any attached, projecting or free standing elements.

- The design and appearance of the stall must be agreed by an officer from the Council before consent will be granted.
- Applicant's who wish to use a contained vehicle for street trading will be required to submit a valid MOT certificate on application and renewal.
- Contained vehicles are required to provide valid motor vehicle insurance to cover the period of the consent.
- Any electrical system must be installed and maintained in a safe condition so as to prevent danger.
- An electrical safety certificate must be provided. This certificate must be renewed at appropriate intervals as determined by your risk assessment.
- All portable electrical appliances must be checked for safety at frequencies determined by your risk assessment. This should be documented.
- Any LPG equipment must be maintained in a safe condition and routinely checked and serviced. A gas safety certificate must be provided annually.
- Where the proposed street activity is from a fixed position (Static site), a map of the exact location for the stall will be required detailing the size of the stall.
- The map should be to a scale of at least 1:1250 scale clearly outlining the proposed trading location in red.
- An additional map is required to scale, clearly identifying the precise trading position and its proximity to other similar retail outlets (shops etc.) or roads nearby.
- colour photographs of any stall that will be used for the street trading activity showing the front, rear and side of the unit. The photographs must also show any proposed branding and/or advertisements that will be displayed.

Generators

- Street Traders located in Town Centre (including district centres) will be powered by electricity through a plug and use process.
- The trader will set up a pay as you go system for electricity, or will be re-charged through the consent fee.
- Generators will be permissible only when no other power source is available. Any trailing cables must be protected or so sited as to prevent a tripping hazard.
- Generators if permitted must be encased in an appropriate cover and secured to prevent movement of the unit and reduce noise.
- Generators should be positioned to minimise disturbance to residents or businesses from noise or fumes. Where generators are required, silenced generators or acoustically insulated generators must be sourced

Advertising

- Advertising should only relate to goods offered for sale from the business.
- Third party advertisements are prohibited.
- It is not permitted to illuminate any advertisement on the outside of the stall.
- The use of 'A' boards is prohibited.
- Any advertisement in relation to alcohol (except for seasonal temporary consent), political or sexual nature, or any of the prohibited items listed below, are prohibited.

Barriers & Furniture

- Permission must be sought from the council should you wish to have any barriers, tables, chairs, planters etc on site when applying for a static consent. This may fall under a different legislation and process.
- Barriers, tables, chairs, planters etc are not permitted for mobile consents

Hours of Trading

- Preventing crime, disorder and antisocial behaviour.
- Avoiding nuisance.
- Protecting public safety.
- Preventing obstruction of the highway.
- Having regard to location and operating hours of business activity.
- Protecting and promoting the public's health.

Selling the right goods

Prohibited goods;

This list is not an exhaustive list and may be amended from time to time

- Fake goods
- Fireworks
- Second hand electrical goods
- Any item designed or intended, whether or not exclusively, for use in play by children under 14 years of age will need to be CE marked
- Sex articles
- Medicines or treatments
- Alcohol (except for special events or temporary licenses)
- Cigarettes and tobacco products
- Vapes / E-cigarettes (including nicotine-free products) + associated equipment or paraphernalia
- Tobacco free pouches / nicotine pouches + associated equipment or paraphernalia

- Drugs and associated paraphernalia such as pipes, grinders, rolling papers, bong, hookahs, shisha
- Commercial Gambling - Wagering money or other belongings on chance activities or events. This include selling scratch cards, lottery tickets, betting. Offensive /harmful Weapons- Firearms (including replicas) and ammunition). This includes blades or knives, including kitchen knives.
- Corrosive substances (*there is legislation restricting the sale of corrosive substances to over 18's and general offence of possessing corrosive substance in public without good reason*)
- The council will use discretionary powers to grant permission for the sale of goods which conflict with those provided by nearby shops and businesses. The Council reserve the right to consider the locality of goods (including food) being sold near schools, leisure centres, parks and sports venues. The Council will also consider the amount and type of goods already being sold in the vicinity to the proposed activity. If a street trader has used a location regularly and a shop selling similar goods begins trading in the area, the Council may choose to continue to grant consent to that street trader.

Anyone wanting to have a stall must clearly state the nature of the proposed goods.

The goods must:

- Not Cause a nuisance or annoyance to nearby properties or people, including cooking smells, smoke, noise, litter and additional cleansing requirements for the Council.
- Not Cause or contribute to crime and disorder.

Site Assessment

In determining whether street trading in a particular area is appropriate the council will have regard to:

- Any effect on road safety, either arising from the location of the site or from customers visiting or leaving.
- Any loss of amenity caused by noise, traffic, smell etc.
- Existing traffic orders e.g. waiting restrictions.
- Any potential obstruction of pedestrian or vehicular access.
- Any obstruction to the safe passage of pedestrians.
- The safe access and egress of customers and staff from the site and immediate vicinity.

6. Application Process

The application process for street trading consents involves submitting a completed application form, paying the applicable fee, and providing necessary documentation,

Who can apply?

To apply for consent the applicant must be:-

- An individual, registered company or partnership.
- 17 years of age or over.
- Legally entitled work in the UK.

Making an application

All applications must be made on the council's prescribed application form. The application must be completed in full with all the required information before it will be considered. Applicants can download the application by visiting the councils website www.walsall.gov.uk, or by emailing Licensing@walsall.gov.uk

All applications would be subject to a 28 day consultation period (this may vary depending on the type of application) with responsible authorities (**Responsible authorities listed under section 9**) and the public. Town and district centre applications will be subject to advertising a notice in the area. Please note consultation period may not always start the day after the licensing authority is in receipt of your application.

Applications submitted to the licensing authority must be accompanied with the following:

- Application fee (please see fees and charges)
- Basic Disclosure certificate from the disclosure and barring services for the applicant(s) (Must be within 3 months of issue date)
- Clear & Legible plan of Site (if Static application)
- An additional map is required, clearly identifying the precise trading position and its proximity to other similar retail outlets (shops etc.) or roads nearby.
- Application fee (non refundable), this may vary depending on location
- Minimum 3 colour photographs of stall that will be used (inside and outside of unit/trailer)
- Valid MOT certificate for the required vehicle (where applicable)
- Valid motor vehicle insurance for the required vehicle (where applicable)
- An electrical safety certificate must be provided.
- A gas safety certificate must be provided annually.
- Proof of food registration (where applicable)
- Evidence of any relevant food hygiene training (where applicable)

- 1 Passport sized photograph of the applicant(s) (or an email with a clear photo will be accepted).
- 1 Passport sized photograph of any assistant(s) (Email of a clear photo will be accepted)
- Proof of right to work in the UK for the applicant.
- Additional worker forms (if relevant)
- Written permission to trade from site (If Private Land)
- Written permission to trade from parks and open spaces

Public liability insurance (minimum £5 million) must be maintained throughout the period of the consent. The consent may be revoked should the insurance be cancelled or breached or its sum altered as to provide less than the minimum cover.

Employer's liability insurance (minimum £5 million) where relevant will be required.

A copy of the public and employers liability insurance schedule will need to be provided at the time of grant of the consent.

If the insurance is due for renewal during the period covered by the consent, it is the responsibility of the holder to provide the council with evidence that public liability insurance is continuous for the period of the consent.

If no concerns are raised during the consultation, the application will be approved as requested. Applicants must then pay the Consent fee to Walsall Council upon approval.

If Responsible Authorities or interested persons raise concerns during the consultation, Walsall Council officers will review them and refer the application to the Head of Community Safety and Enforcement or Licensing Sub-Committee for determination.

All applications will be considered on their individual merits taking into account all relevant matters.

Consents will not typically be granted where:

- Enforcement action is pending or has previously been undertaken against the applicant.
- The holder is currently in arrears with any street trading related charges.
- The location is unsuitable
- The stall will be in proximity of a shop or other street traders selling similar goods (excluding Walsall Town Centre and Special Events).
- The activities are likely to cause a nuisance or annoyance to neighbouring properties.
- The applicant is unsuitable.
- An applicant has failed to appropriately use previous Consent.

- The stall is unsuitable.
- The granting of the consent may cause or contribute to crime and disorder.

All street trading applications will be considered against the objectives adopted by Walsall Council:

- Public Safety
- Prevention of crime and disorder
- Prevention of public nuisance
- Visual Amenity
- Needs of the area
- Protection and promotion of our residents health and wellbeing.

This list is not exhaustive.

Once the application is complete and has been accepted, the council will either:

- Grant the consent as applied for.
- Grant the consent with conditions or a variation to the application.
- Refuse the consent.

Ward Councillors will be informed of applications where these are static consent applications.

The council will accept no liability for the street trading activities undertaken by the consent holder(s).

7. Responsible Authorities

Before a decision can be made on whether a street trading consent can be granted, all applications (Excluding Temporary Street Trading and Variations) will be required to go through a 28-day consultation period. The 28-day consultation period maybe reduced depending on the circumstances. The licensing authority will consult with appropriate organisations and agencies. In particular, the following organisations or agencies may be consulted:

- West Midlands Police
- Highway Authority (Kevin Gannon's Team/Dave Burrowes)
- Walsall Council's Planning Authority
- Walsall Council's Environmental Health Team
- Walsall Council's Trading Standards Team
- Walsall Council's Community Protection Team
- Walsall Council's Traffic Management Team
- Walsall Council's Locality and Partnerships Team
- Walsall Council's Public Health Team

- Walsall Council's Markets Office
- Walsall Council's Bereavement Services
- Any other relevant organisation

This list is not exhaustive.

Responsible authorities have specialist knowledge and skills and are able to consider the application under the licensing objectives for street trading. The role of the responsible authorities in relation to the application process will be to provide any information to the licensing authority to make a determination on the application.

8. Temporary Street Trading

This type of consent is for short periods of time mainly used for special occasions (eg Mothers Day/Valentines Day/Christmas Period). A temporary Consent may be issued for a single day or for a maximum period of 6 weeks (including consecutive weeks). Temporary consent will be limited to 5 applications for any individual throughout the calendar year. Any individual must not exceed maximum of 5 street trading applications per calendar year which must not exceed 6 weeks in total. Any associate or spouse submitting the application will be considered as the applicant submitting the application.

Temporary consents will go through a 14 day consultation period, and the licensing authority will determine who to consult with based on the application.

Each application will be determined on its own merits. Additional conditions, as deemed necessary, may be imposed on any permission granted.

The decision to grant a temporary consent shall be determined by an authorised officer under delegated powers. However, if the officer is unable to make a decision due to exceptional or other circumstances the application may be determined by a Licensing Sub-Committee.

9. Variations

During the period of the consent, should applicants wish to add, or change any terms of their consent, for example time, commodities, trailer or vehicle, applicants can make this request by submitting an application to vary their consent. The variation application will carry an associated application fee.

The application will go through a 14 day (this may vary) consultation period, where the licensing authority will consult with the appropriate responsible authorities who they see fit depending on the nature of the application. Walsall Town centre variation applications will be consulted with businesses within close proximity of the area of the consent.

Street Trading consents are not transferable. A variation application cannot be used to change the location of the existing site; this would require a new application.

A variation application can be used to inform the licensing authority of a change of name, address, and contact details for a consent holder. Holders of a consent will be required to pay an administration fee in order to make these minor changes.

10. Conditions

Consent holders must adhere to all trading conditions outlined by the Council, including:

Each application will be determined on its own merit, however each consent granted will be subject to the standard conditions and any other conditions the licensing authority deems necessary for the promotion of the licensing objectives (as detailed in section 3).

The licensing authority will have powers to impose such conditions that have been agreed through mediation with responsible authorities or interested persons.

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person approved by the Consent Holder to assist in their trading.
- The Consent Holder must provide details and proof of the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.

- The ID issued for consent must always be displayed. If using a vehicle/trailer, the ID must be fixed permanently at the rear of the vehicle (outside) using the equipment provided.
- The consent issued must be displayed on the stall/ cart, trailer, vehicle at all times.
- The Council may vary or make additions to the Conditions of a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or their assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.
- The Consent Holder, and/or their assistants, shall only trade at the location(s) specified in the Consent.
- The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them.
- The Consent Holder, and/or their assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or their assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that their customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers which is suitable to contain the type and quantity of waste produced and will be the responsibility of the consent holder to ensure they take the waste with them or have in place an arrangement with a professional waste collection service.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.

- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance and any changes to vehicles used in the course of trading must be notified to the Council.
- The Consent holder or their employee must move their trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.
- The operator (where trading in food) shall at all times observe the provisions of all relevant regulations passed by virtue of the Food Safety Act 1990, these include The Food Safety and Hygiene (England) Regulations 2013, Regulation EC 178/2002 on the general principles of food law, Regulation EC 852/2004 on the hygiene of foodstuffs
- The operator shall not cause a nuisance of any kind. If such a nuisance is being caused the permitted site can be changed.
- The vehicle shall be available at any reasonable time for inspection by authorised officers of Walsall Council.

- Events with over 10 street traders require a risk assessment to determine the number of refuse bins needed.
- All parking restrictions in any street must be strictly adhered to by the operator.
- The operator of the vehicle must not obstruct the free flow of pedestrians at any time.
- The operator must not park or site their vehicle within 200 metres of any school entrance.
- The operator must not trade from a point within 200 metres of an existing trader of a similar nature. (Note: this condition does not apply in respect of sites in Walsall Town Centre or district town centres).
- The operator must not trade from a point within 200 metres of an existing trader of a similar nature (excluding Walsall Town Centre, District Centres & Special Events).
- A consent holder must not park or site their vehicle/stall/trailer within 20 metres of any road junction.
- The operation of loudspeakers should be restricted to the hours between 12:00 pm and 7:00 pm.
- The loudspeaker is used solely for informing members of the public that goods are for sale. The loudspeaker is not operated in a way as to give rise to annoyance to persons in the vicinity.
- The volume of the chime or music must be carefully adjusted so as to avoid distortion of the sound. The chimes must be played only once on the approach to each stopping place, never when the van is stationary. The chimes should not be played within 50 metres of any hospital, school or recognised place of worship.
- The consent holder will at no time have the exclusive right to trade from the street or any part of it.
- Street trading can take place in the area outlined in the consent and on days and hours detailed in it.
- The consent holder may only trade in goods that are outlined on their consent.

- All street trading units will be equipped with safe and adequate lighting for the operation during the hours of darkness.
- No stalls are permitted to be left in situ overnight; the stall must be removed at the end of each trading day unless special approval given.
- Applicant's will be required to obtain a minimum 4 star rating from the Environmental Health team, should you not receive the minimum star rating, your consent may be revoked/refused (this includes temporary traders).
- Traders from outside the borough must show a minimum 4-star rating with their registered food authority.
- You must adhere to Governments Healthier Catering Tips for Foods Businesses, and agree that you will adhere to the Healthier Catering Tips for food.

Remove salt from tables, it must be stored behind the counter

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed.

The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to their trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by them to assist in their trading; "Council" means Walsall Council.

11. Refusing Applications & Renewals

The council may refuse to grant consent. Where consent is refused the council will advise the applicant in writing and notify them of the reason for the refusal. There is no right of appeal against the decision to refuse a consent. The Head of Regulatory Services, may, however, allow an appeal to the Licensing & Safety Committee if it is felt appropriate. Details on how to appeal will be given to applicants when a decision to refuse the consent has been made.

Renewals

Applications to renew an existing street trading consent must be made at least 28 days prior to the expiry of the existing permission.

The act does not provide an applicant with any direct right of appeal against a decision to refuse the grant or renewal of a street trading consent, the revocation of a street trading consent, or against any restrictions or conditions imposed on a street trading consent.

Transition

Any renewal will be subjected to the new Street Trading Policy. However, any existing consents already in place will be subjected to the new policy upon renewal.

12. Letting of Sites

Sub-letting sites

Consent holders are not permitted to sub-let the consent they hold under any circumstances.

The applicant granted with the consent will be solely responsible for their street trading permission. Should the licensing authority be made aware of any letting, the licensing authority will take action which may lead to revocation of the consent.

Consents are not transferrable.

Re-allocating sites

Street traders must make full use of their consent. Where the licensing authority has evidence that a permitted static site is not being used in accordance with the terms of the authorisation, the licensing authority may revoke the consent.

Multiple street trading consents may be granted to different applicants for the same site provided specific trading days/ periods are applied for.

13. Fees & Charges

Walsall Council set fees and charges for street trading. Fees and charges are reviewed as and when necessary.

The council may charge such fees as they consider reasonable for the grant, renewal or variation of a street trading consent.

A non refundable application fee is applicable for consent applications.

The council may determine different fees for different types of consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

- (a) To the duration of the consent;
- (b) To the street in which it authorises trading; and
- (c) To the descriptions of articles in which the holder is authorised to trade.

Where a consent is surrendered or revoked, the council may remit or refund, as they consider appropriate, the whole or part of any fee paid for a grant or renewal of the consent.

14. Removal of Waste

Traders shall ensure that they comply with the law in relation to the disposal of waste. All businesses must have in place formal arrangements for the collection of waste created by their activities. It is an offence to dispose of trade waste in domestic refuse bins.

Special event organisers must provide sufficient waste disposal facilities.

Consent holders must ensure that the trading location/site is always left clean and any refuse from the articles or food sold must be cleared at the end of each day or period of trading from the location.

Traders who wish to demonstrate a strong commitment to reducing litter can consider signing up to Walsall Council's litter charter.

15. Revocation

A Street trading consent may be revoked at any time. There is no right of appeal against the decision of the Licensing Sub-committee to revoke a consent. Where consent is revoked the council will advise the applicant verbally and confirm the reasons for this in writing within 10 working days.

If at any time the licensing authority becomes aware of an applicant or consent holder's involvement in any criminal activity, prosecutions, or cautions (including any director, company secretary), delegated officers from the local authority will have powers to revoke the authorisation.

The consent is not a lease or a tenancy and gives no interest or rights in land to the Operator.

The right to use a pitch and the allocation or reallocation of the pitch remains the right of the Council.

16. Special Events

A special event is an event with multiple street trading stalls. Special events can make a significant contribution to the local economy and can attract many visitors and tourists into the borough. Examples include Christmas Fayre, Religious Festivals, Carnivals, Community Events, informal markets etc

A special event can last up to 7 consecutive days. It can also be scheduled on the same day each week for the entire year.

The event organiser must submit the Special Event application and meet the requirements outlined in section 7. They will be fully responsible for the stalls, trailers, and vehicles at the event.

Applications must consist of a completed application form including the details of stall holders and the goods to be traded in. Organisers will be required to submit additional worker forms for each stall. A full risk assessment and an Event Management Plan (EMP), see below -

The EMP must include:

- Health and safety risk assessments for the event.
- Traffic management details, including evidence that a road closure has been obtained or has been applied for (if appropriate).
- Organiser insurance details compliant with this Policy.
- Fire safety provision.
- Details of medical, ambulance and first-aid management.
- Major incident planning (emergency planning).
- Structures, barriers, electrical installation and lighting (where appropriate).
- Details of sanitary facilities.
- Details of waste management, e.g. whether additional street cleansing is required.
- Consideration of the impact of noise and vibration.
- Protection of children and vulnerable adults at the event
- A site plan identifying the location of each individual stall
- A plan detailing the layout of the stall

Organisers will be required to submit an application at least 4 months prior to the proposed event and will be required to attend Walsall Council's Safety Advisory Group (SAG) to discuss plans for the event with responsible authorities. The applicant must adhere to the advice given by SAG.

Applications will be subject to a 28 day consultation period however, where necessary this period may be extended.

An application fee is payable with all applications however the Licensing Authority reserves the right to waive consent fees for special events, provided the event is

charitable without the intention of personal profit. Any trader attending an event for commercial gain (e.g. private business) will be subject to a street trading fee.

17. Licensing Act 2003

It should be noted that should a street trader wish to sell alcohol (special events or temporary licenses only), or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.

Late night refreshment is the supply of hot food or drink between the hours of 23:00 and 05:00 on any day of the week.

Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

18. Child Exploitation & Trafficking of Children and Young People

Walsall Council's licensing section is helping to tackle child sexual exploitation and trafficking by working together with key partners particularly West Midlands Police and the council's children services.

Through agencies working together and sharing information, we aim to identify and prevent sexual exploitation, disrupt the activities of perpetrators, protect children and young people and prosecute perpetrators of sexual exploitation. Sharing relevant information with West Midlands Police and Children services helps to protect young people from harm. Safeguarding children and young people is everyone's business and everyone's responsibility.

Child sexual exploitation is a crime that can affect any child, anytime, anywhere – regardless of their social or ethnic background. Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator (HM Government, February 2017).

Sexual exploitation of children and young people involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive something, e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money, etc. as a result of them performing, and/or another or others performing on them, sexual activities. Violence, coercion and intimidation are commonly involved in such exploitative relationships.

Child sexual exploitation involves perpetrators grooming youngsters and using their powers to sexually abuse them. Sexual exploitation of children and young people can take many forms, whether it occurs through a seemingly 'consensual' relationship with an older boyfriend, or a young person having sex in return for attention, gifts, alcohol or cigarettes etc.

How can street traders help tackle child sexual exploitation

Street traders are in a good position to help identify victims of sexual exploitation because through the trading they undertake they regularly come into contact with children and young people. This means they are in an ideal position to help protect young people.

In particular, street traders should consider the following questions when trading:

- Does your customer appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do you think that they are under the influence of alcohol or drugs?
- Are you aware of any conversations that suggest children or young people are being or have been taken to a hotel, party or secluded location? If so, ask yourself why?
- Are you aware of children/young people being taken regularly to the same localities? If so, ask yourself why?

If the answers to any of the questions above gives you even the slightest cause for concern, these concerns should be reported in accordance with the relevant provisions relating to the 'Safety of children and adults with care and support needs or other vulnerable persons' detailed below.

If you have reason to suspect that a child is being abused or at risk of abuse it is your responsibility to report your concerns to and share information with West Midlands Police (Tel: 101) and Children's Social Care (Tel: 0300 555 2866).

19. Definitions

Streets

any road, footway, beach or other area to which the public have access without payment; and
a service area as defined in section 329 of the M1Highways Act 1980

Roundsman

A roundsman is a person who followed the round of his/her customers to take orders and deliver the pre-ordered goods of these customers.

News vendor

News vendor is a reference to trading where:

- a) The only articles sold or exposed or offered for sale are newspapers or periodicals; and
- b) They are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:
 - exceed one metre in length or width or two metres in height;
 - occupy a ground area exceeding 0.25 square metres; or
 - stand on the carriageway of a street.

Pedlar

A pedlar is “any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse, or other beast of bearing or drawing burden, travels and trades on foot and goes from town to town or to other men’s houses, carrying or selling or exposing for sale any goods, wares, merchandise immediately to be delivered , or selling or offering his skill in handicraft (Section 3 Pedlars Act 1871).

Operator

Operator means the holder of a street trading consent and all his employees or agents.

Static

Trading from a fixed site/location

Mobile

Permission to trade on streets via use of a contained motor vehicle.

Contained Vehicle

Single unit motor vehicle such as an ice cream van.

Interested Persons

Any other consulted party including local businesses and other street traders.

Associate

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two-preceding bullet Points

A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act

20. Equality & Diversity

Through policies and service delivery, the council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities.

A link to the council's Equalities and Diversities Policy can be found here:

https://go.walsall.gov.uk/equality_and_diversity-2

21. Enforcement and Compliance

It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.

All decisions and enforcement actions taken by the Licensing Authority will be taken in accordance with the Regulator's Code.

The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

Where complaints are received regarding the carrying on of street trading activities, these will be investigated in a prompt and professional manner.

If a complaint is found to be justified then the following actions may be taken by Officers:-

- verbal warning;
- written warning;
- simple caution;
- prosecution; or
- referral of the Consent Holder to a Licensing Sub-Committee OT Head of Service.

If an existing Consent Holder is referred to a Licensing Sub-Committee or head of service, the Licensing Sub-Committee or Head of service may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-

- take no further action;
- give a warning to the Consent Holder;
- amend the days on which trading can take place;
- amend the times during which trading can take place;
- amend the location(s) where trading can take place;
- amend the articles that can be traded;
- amend the conditions attached to the Consent;
- amend the duration of the Consent; or
- revoke the Consent.