



STREET TRADING IN WAVERLEY POLICY

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1. General Guidelines

- 1.1. This Policy will guide the Council when it considers applications under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. The Council has adopted this legislation and streets have been determined as either 'consent' or 'prohibited' (Appendix I); also available on the Council's website. This means that anyone who wishes to trade on a consent street (which includes a road, footway or other area to which the public have access without payment) must hold a street trading consent. The definition does not include buildings themselves or commercial premises.
- 1.2. The aim of the Street Trading in Waverley Policy (the Policy) is to prevent obstruction of the streets of the Borough and ensure the safety of persons using them. In doing so, it recognises the importance of local businesses to the local economy and that occasional, community-run events and those of a similar nature, are important factors in the life of Waverley. The Policy also seeks to ensure that activities do not cause nuisance or annoyance to the people of the area.
- 1.3. To help deal with applications quickly and to allow applicants to know at an early stage whether their application is likely to be supported Waverley Borough Council has adopted this policy. The Council aims to provide a clear, consistent service for users.
- 1.4. For clarification:
 - Land adjacent to the street may also be included according to local circumstances
 - There are some exemptions from requiring a consent to trade (for example newspaper vendors and 'Big Issue' sellers)
 - Street Trading is defined as "the selling or exposing or offering for sale of any article (or living thing) in a street", and
 - any queries regarding the above can be dealt with by the Environmental Health service on a case by case basis.
- 1.5. Schedule 1 of the policy deals with applications from individuals. Certain community-run events, charitable events or those of a similar nature are the subject of special provisions in Schedule 2 of the Policy.

2. Schedule 1 – Individual Applicants

- 2.1 Waverley's Licensing and Regulatory Committee is made up of 12 Members of the Council. Applications for street trading consents that fall within this policy are delegated to the Environmental Health Manager. Applications that fall outside this policy or those which attract relevant objections will be determined by the Licensing & Regulatory Committee. A relevant objection is one made by a person, business or body that is likely to be directly affected by a successful application. In addition, the objection must not be vexatious or frivolous and should concern itself

only with matters likely to be affected by a successful application. The Head of Policy and Governance will determine whether an objection is relevant according to its merit and any benefit of doubt will be given to the objector.

- 2.2 The police, highways authority and fire service are always consulted over any application and a 28 day consultation period will normally be allowed. Wherever possible, local Ward Councillors, Chambers of Commerce and Town or Parish Councils, together with any relevant Portfolio Holder or Committee Chairman, will also be notified of an application – public notification will be achieved through the Council's webpages.
- 2.3 Where an applicant has not given sufficient notice, consent will not normally be granted unless agreed by the Head of Service, Executive Director and Chairman of the Licensing & Regulatory Committee on receipt of satisfactory responses from the police, fire and highways authorities.
- 2.4 In considering any application for the grant or renewal of a street trading consent the following issues will be taken into account before determination:
 - 2.4.1 *Public order*
Whether the street trading activity or activities represent, or are likely to represent, a substantial risk to public order
 - 2.4.2 *Public nuisance*
Whether the street trading activity or activities represent, or are likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour. Particular regard to this will be had in respect of consents in predominantly residential areas and due regard will be had to the character of the neighbourhood.
 - 2.4.3 *Public safety*
Whether the location of the street trading activity or activities represent, or are likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazards or unhygienic conditions, or danger that may occur when a trader is accessing the site.
 - 2.4.4 *Needs of the area*
An applicant for the new grant of a Schedule 1 street trading consent shall provide a copy of a map or plan showing all streets and other public areas within a radius of half a mile (800 metres) from the proposed location of the site. The map or plan shall be a proper Ordnance Survey map, or of equivalent or similar standard, to a scale of 1:5000. It shall clearly indicate the position of the proposed site and indicate the locations of other street traders and outlets already trading in similar commodities

to those proposed for sale. The applicant must deliver notices to traders and premises thus identified and to the nearest six premises (being residential, commercial or otherwise) to the proposed site giving details of the application.

- 2.5 In determining an application the sufficiency of other trading outlets to serve the needs of an area will always be considered. A new consent is unlikely to be granted where it is considered that adequate like provision already exists. For special events falling under schedule 2 of this policy the needs test may be exempted where appropriate.

3. Schedule 2 - Community and similar events

- 3.1 At such special events the Council will issue one Consent to the person organising the community or similar event, either on an annual basis for multi-use sites or on an occasional basis for single-use events. This policy is aimed at promoting and supporting such events and encouraging traders to attend. A schedule 2 event can include a street or series of linked streets under one Consent.
- 3.2 The Consent will relate to the duration of the special event and may include specific conditions, in addition to Standard Consent Conditions, according to the individual merits of the event. Where fees are at the discretion of Local Authority, such as for Street Trading Consents, the Council is able to recover the costs associated with the authorisation scheme as long as they are reasonable, proportionate and do not exceed the cost of the procedures. In arriving at fees, the Council may charge a lesser amount – Waverley reduces the charges for Schedule 2 applications in order to promote and support such activities.
- 3.3 Community and similar events will normally be organised by a Town or Parish Council, Waverley Borough Council or by a recognised group or charity with aims of engaging with and providing support to the local community. Each special event application will be judged according to its merit and any applications which fall outside this policy, or those that attract relevant objections (see Schedule 1) will be determined by the relevant Sub-committee.
- 3.4 Special event applications would typically, but not exclusively, include:
- Local Charity events
 - Community fairs and craft events
 - International markets
 - Events celebrating local anniversaries

4. General information – in all cases

4.1 Decisions

4.11 Following the determination of an application the Council will notify the applicant of the decision. Determinations made at Committee will be confirmed in writing and published on the Council's webpages.

4.2 Renewals

4.2.1 Consents are normally issued for a set date or dates, or a period of up to one year. Applicants who wish to continue trading should submit renewal applications at least one month prior to expiry of any current Consent. Renewals are normally allowed but further consultations may be needed if there are causes for concern or if the Consent operation has been the subject of complaint.

4.3 Variations

4.3.1 Holders of a Consent may wish, from time to time, to vary it - for example by requesting a change of trading hours. Consents will specify the location or area to which they apply – a request to vary this will be treated as a new application for the new location.

4.4 Fees

4.4.1 An annual fee is payable for Street Trading Consents and payment should be made on application. A full refund is given should an application be refused. Fees are reviewed annually and published on the Council's website.

4.5 Conditions

4.5.1 Consents will carry Standard Consent Conditions (Appendix II) in all cases in order to promote public safety and avoid obstructions, nuisance and annoyance. Other conditions may be attached to a Consent and will be relevant to the category of Consent issued and the nature of the local environment. A pool of typical conditions, relating to operating hours, sites, locations, goods offered, safety, refuse collection, etc. is shown at Appendix III. A Consent may also attract conditions in addition to or instead of those found in the pool of conditions according to its individual merit.

4.6 Appeals

4.6.1 The governing legislation does not allow for appeals and grounds for refusal need not be given. However, in order to ensure the process is open, fair and transparent, if an application is refused reasons will be given. Officers will refer applications to the Licensing & Regulatory Committee if not minded to grant the application.

4.7 Enforcement

- a. The Council's Environmental Health Service aims to work closely with other enforcement authorities and agencies
- b. Obtaining a Consent does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, Planning controls, and organisers should ensure all such permissions, etc. are in place.
- c. Where street trading activities are conducted without appropriate Consents the Council will look to gather evidence and take appropriate enforcement action in accordance with its Enforcement Policy
- d. If the Council feels there is an issue with public order or threat to public safety in any particular instance it will call for assistance from Surrey police
- e. The Council may call for assistance from appropriate CCTV recordings when dealing with such issues
- f. The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- g. Enforcement decisions will be made on a case by case basis in light of the Council's Enforcement Policy.

4.8 Review Procedures

4.8.1 This Policy will be reviewed from time to time should changes occur in relevant legislation, the nature of street trading generally or as a result of local considerations within Waverley. In any case, this Policy will be reviewed within five years of adoption.

NOTES

Human Rights

The Human Rights Act 1998 obliges the Council to comply with the provisions and protections of the European Convention on Human Rights. It is unlawful for a local authority to act in a way which interferes disproportionately with a convention right. The Sub-committee will have regard to the rights protected by the European Convention on Human Rights when exercising its licensing functions.

APPENDIX I
List of Prohibited and Consent Streets in Waverley

PROHIBITED STREETS

Farnham

Victoria Road

Union Road

East Street, from the traffic lights at its junction with South Street up to the east end of Dogflud Way (excluding the area immediately fronting Nos 1 – 6 Woolmead)

Dogflud Way

South Street

Bear Lane, from the traffic lights at its junction with South Street to the junction of Woolmead Road

Park Row

Woolmead Road

West Street, from The Borough to its junction with The Hart

A31 from Willey Mill through the Farnham Bypass to the Shepherd and Flock Roundabout

A31 from the Shepherd and Flock in an easterly direction to the Waverley Borough Council boundary

A325 Wrecclesham Road, from the Coxbridge Roundabout to the Railway Bridge

Odiham Road from the junction with Folly Hill to the county boundary

Tilford

Tilford Road between All Saints Church and the River Wey (South Branch)

Tilford Road (East Side of the Green) from its junction with Tilford Road to The Street

The Street between its junction with Tilford Road and Whitmead Lane

Godalming

Wharf Street, Godalming from its junction with High Street to its junction with Flambard Way

Woolsack Way

Farncombe Street, from its junction with St Johns Street to the junction of Nightingale Road

St Johns Street

Summers Road

Station Road, Farncombe

Cranleigh

Dewlands Lane

Ewhurst Road, from the junction of High Street to the junction of Mead Park Drive

Mead Road, from the junction of Ewhurst Road to the junction of Bridge Road Horsham Road to the Borough boundary

Overford Drive, from its junction with Horsham Road to the junction of Little Manor Gardens

Church Lane
Knowle Lane, from its junction with the High Street to the access at the rear of Stocklund Square
Victoria Road
St James's Place
Guildford Road from the roundabout junction of the B2128 and B2130 to the entrance to Manfield Park Industrial Estate
Elmbridge Road from the roundabout junction of the B2128 and B2130 to the entrance to Hewitts Industrial Estate
Park Drive to the junction with Cranbrook Terrace

CONSENT STREETS

Cranleigh

High Street
Rowland Road
The Common

Farnham

Castle Street
The Borough
Downing Street
Longbridge
West Street from its junction with The Hart, westward to its junction with Crondall Lane
Bear Lane, from its junction with Woolmead Road to its junction with High Park Road

Godalming

High Street
Church Street
Great George Street
Moss Lane
The whole of Crown Court
Queen Street
The whole of Angel Court

Haslemere

HighStreet
Shepherds Hill
Petworth Road, from its junction with the High Street to the junction of Swan Barn Road
Lower Street
Weyhill
St Christopher's Road
St Christopher's Green
Junction Place; Lion Lane, from its junction with Lion Green to the junction with Underwood Road
Lion Mead, from the junction of Lion Green to the junction of Mead Way

Kings Road from its junction with Lower Street to the junction with Courtshill Road
Cedar Court
Tanners Lane from its junction with Lower Street to the junction with Oaklands Sandrock
West Street
Well Lane
College Hill
Hill Road from its junction with Shepherds Hill to the junction with Park Road
Cobden Lane
Access road to High Street Car Park

APPENDIX II

Conditions

Standard Consent Conditions

(to be used on all Consents issued)

1. ‘Consent Street’ means a street in which street trading is prohibited without a Consent from Waverley Borough Council
2. ‘Prohibited Street’ means a street in which street trading is prohibited at all times
3. ‘Street’ includes any road, footway, lay-by or other open area to which the public have access without payment
4. ‘Street Trading’ means (generally) the selling, or exposing or offering for sale, any article in a street
5. The trader shall not cause any obstruction of the street or any danger to any persons or vehicles using the street
6. 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
7. The council may at any time vary the conditions of a street trading consent or revoke the consent at any time
8. Public liability insurance providing cover to a minimum amount of 5 million pounds must be in place for the consent site and a certificate of this must be produced on request of an officer of Waverley Borough Council
9. An individual trader shall conspicuously display the council issued Consent at all times whilst trading; for special events, the Consent will be displayed in at least two conspicuous places – typically these shall be attached to the first and last stalls
10. The Consent holder must provide facilities for use by him/herself and customers to collect any waste, refuse or litter. The refuse storage must be of a substantial construction, waterproof and animal-proof. All must be removed from the trading location at the end of each day’s trading and properly disposed of, or if the amount of waste and refuse warrants it, when the container is full – whichever is the sooner.
11. The Consent holder shall ensure that all adjacent areas (except the carriageway if open for vehicular use) to a distance of 10 metres be kept free of litter and refuse at all times whilst on site.

12. Authorised vehicles must be roadworthy, have current relevant documentation and internal and external appearance of vehicles &/or stalls shall be maintained in a clean, neat and tidy condition.
13. Any stall or 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.
14. The name and address of the operator and other address at which the stall or authorised vehicle is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may readily view it.
15. No stall or vehicle shall remain situated for longer than one hour after the authorised trading time(s).
16. No Consent holder shall trade at his / her authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for same.
17. The Consent is non-transferable.
18. Where a structure or vehicle is not removed at the end of trading, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure or vehicle.
19. Failure to comply with any conditions attached to the Consent may result in the revocation of such consent.

APPENDIX III

Pool of Conditions

Conditions applicable to special Events / Markets, etc

The Consent holder shall keep records of each stallholder present, to include the stall's site, name (and company name), address, vehicle registration and contact telephone number. This must be produced on the request of an officer from the Council

Other Conditions

There shall be no available means of attracting attention for the purposes of trading or any stands or signs away from the consent site

The consent holder must not permit the sale of offensive weapons, including imitation firearms, firearms, airguns, swords and crossbows

The Consent does not imply or give any other permission, consent, licence or authorisation to trade in any other products other than those granted on application or renewal

The trader shall not exhibit on the site any advertising signs, posters or such like except as may be approved by the Council

No animal shall be present on any stall or vehicle

The trader is not permitted to hold any auction or like sale

The trader shall reimburse the Council's costs in repairing all damaged caused by the trader's occupation and use of the consent site

There shall be no discharge of waste water or other liquid waste onto the consent site or surrounding areas

No form of amplified music shall be permitted