



Street Trading Consent Scheme

**Local Government (Miscellaneous Provisions) Act 1982
Schedule 4**

Updated August 2020

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General

Wyre Street Trading consents are granted for 12 months and are non-transferable.

Consents do not specify or allocate “pitches” to the holder. Consent holders are permitted to operate anywhere in the Borough, within the confines of the following street definitions and consent conditions.

Prohibited Streets

A ‘prohibited street’ is any street where street trading of any kind is may not take place. A full list of the prohibited streets in Wyre is included in these notes.

Consent Streets

A ‘consent street’ means a street where trading is prohibited, unless Wyre council has expressly authorised an individual to sell, expose or offer for sale any articles.

In the Borough of Wyre, all streets other than prohibited streets are designated as ‘Consent Streets’. This means that a person wishing to trade in those streets must first obtain a Street Trading Consent from the Council.

Streets

The term ‘Street’ includes any road, footway or other area to which the public have access without payment. The consent scheme in Wyre applies to public and private car parks, shopping centres, leisure and other areas.

Exemptions

Although ‘Street Trading’ means the selling, exposing or offering for sale of any article (including a living thing) in a street, it does not include:-

- (a) Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1971; (Note: This will not cover any person who is found ‘fly pitching’ or having a temporary stall or booth).
- (b) Anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
- (c) Trading in a trunk road picnic area provided under the Highways Act 1980;
- (d) Trading as a news vendor subject to the following qualifications:-
 - (1) The only articles sold or exposed for sale are newspapers or periodicals; and
 - (2) They are sold or exposed for sale without a stall or receptacle for them or with a stall or receptacle for them which does not:-
 - (i) Exceed 1m. in length or width or 2m in height;
 - (ii) Occupy a ground area exceeding 0.25 sq.metres;
 - (iii) Stand on the carriageway of a street.
- (e) Trading at: A petrol filling station or at a shop or in a street adjoining premises so used as part of the business of the shop.

- (f) Selling things or offering or exposing them for sale as a roundsman. (A roundsman must have a defined round of customers and any other sales must be subsidiary to that round. If a substantial part of sales are to persons not forming part of the round, then a consent will be required) - If in any doubt contact the Licensing service.

Applications

Applications are invited from persons over 17 years of age, who have the right to reside and work in the UK.

Valid applications must include the following:

- 1) Application form completed with all required details
- 2) The correct fee – for current fees please refer to the Council's website or contact the Licensing unit.
- 3) If the retail unit is stored or garaged outside this Borough it must pass an inspection by a Food Safety Officer for that Borough. Proof of the inspection must be provided before Wyre Council can issue a consent. On renewal of the consent, proof of the last programmed inspection must be provided.
- 4) A copy of a UK or EU Passport or Biometric Residence Permit
- 5) Passport size photograph for the badge

On receipt of a valid application, the information will be passed to a Food Safety Officer who will ensure that the vehicle/unit is fit for purpose and meets the required hygiene standards. The consent holder and any assistants must also be able to prove that they have sufficient knowledge of correct food handling procedures.

In addition to the requirement for applicants to disclose any convictions for criminal or motoring offences, the council reserves the right to undertake such further checks as it deems appropriate, in order to be satisfied that the applicant is a suitable person to hold a Wyre consent, in accordance with Para 7 (2) of Schedule 4 LGMP 82.

If the consent holder changes their vehicle or mode of selling, they must notify the Council within 14 days, in order that the new vehicle/barrow/stall may be inspected in accordance with food safety legislation.

Consents specify the goods that are permitted to be sold. It is important therefore that a full list of goods proposed to be sold is included in the application. Selling goods, other than those permitted by the consent, will be contrary to the conditions of the consent and may in turn lead to its revocation.

Where a consent holder wishes to vary the articles offered for sale, they must notify the Licensing Service in advance of the proposed changes. The Licensing unit will consider all such requests and where appropriate amend and re-issue the consent.

The Council reserves the right to revoke a street trading consent as any time.

There is no right of appeal should the Council refuse to grant, or revoke a street trading consent.

Penalties and Offences

Any person who engages in 'Street Trading' in a prohibited street, or who trades in a consent street without a valid consent granted by the Council, will be liable for

prosecution. The maximum penalty on summary conviction, in respect of such an offence, is a Level 3 fine which is currently £1,000.

GDPR

The Licensing Unit is committed to protecting your privacy. A privacy notice explaining how we process your personal information, including how long we retain it, and the circumstances in which we may share it, is available at <http://www.wyre.gov.uk/info/200359/licensing>. If you require extra copies please telephone 01253 887406.

Conditions

The Council may, in granting or renewing a consent, impose such conditions as it considers reasonably necessary. All consents within Wyre will also be subject to the following standard conditions

1. The 'consent holder' and any person trading on his behalf must have attained the age of 17 years.
2. The council may at any time vary the conditions of this street trading consent.
3. The consent holder shall only trade from a van or other vehicle, or from a stall, barrow or cart, the particulars of which have been registered by the council and a registration certificate issued.
4. The 'consent plate' issued by the council to the consent holder shall be displayed in a prominent position on the vehicle, stall, barrow or cart at all times when trading.
5. The Consent Holder shall not trade, within 200 metres* of any existing premises selling the same or similar goods, during the trading hours of that business.
6. Only those goods originally nominated by the applicant may be sold. Requests to alter nominated goods shall be in writing to the proper officer.
7. No nuisance or annoyance shall be caused, whether to persons using the street or otherwise.
8. No obstructions of any street or persons using it shall be caused. The consent holder shall at all times ensure compliance with all legislation relevant to the conduct of the business, in particular:
 - (a) any vehicle used must be in roadworthy condition, taxed and insured.
 - (b) any vehicle used shall not be sited in contravention of parking restrictions.
 - (c) any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act, 1974 as amended by the Noise and Statutory Nuisance Act 1993 S.7.
 - (d) any vehicle or stall used for the sale of food shall comply at all times with The Food Hygiene (England) Regulations 2006.
9. The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.

10. Unless the consent holder has permission to trade outside the normal permitted hours, trading may only take place between the hours of 09:00 hrs and 21:00 hrs on Mondays to Saturdays inclusive, except that a vendor of refreshments, ice-cream/ice lollies may also trade between the hours of noon and 21:00 hrs on Sundays.

* All distances to be measured in a straight line from the premises

Summary of the code of practice on noise from ice cream van chimes in England - From 1 October 2013

It is an offence to sound your chimes before 12.00 noon or after 7.00 pm. It is also an offence to sound your chimes at any time in such a way as to give reasonable cause for annoyance.

A code of practice approved by the government gives guidance on methods of minimising annoyance caused by your chimes. The main points of the code of practice are:

Do not sound chimes

1. For longer than 12 seconds at a time.
2. More often than once every two minutes.
3. More than once when the vehicle is stationary at a selling point.
4. Except on approach to or at a selling point.
5. When in sight of another vehicle which is trading.
6. When within 50 metres of schools (during school hours), hospitals, and places of worship on Sundays and other recognised day of worship.
7. More often than once every two hours in the same length of street.
8. Louder than LAmax 80dB at 7.5 metres.
9. As loudly in areas of low background noise or narrow streets as elsewhere

SCHEDULE OF PROHIBITED STREETS IN WYRE

Street trading is not permitted in any of the following places

GENERAL

All Council owned Car Parks

All Parks, Gardens and Public Open Spaces (maintained by the Council)

All Foreshores

All classified 'A' roads including lay-bys

POULTON-LE-FYLDE

Ball Street

Blackpool Road (Traffic lights to Moorfield Avenue)

Blackpool Old Road

Breck Road

Chapel Street

Chapel Street Court

Church Row

Church Street

Fleetwood Road. South (Lights to Carleton Gardens)

Garstang Road East

Garstang Road West

Hardhorn Road. (Queens Square to Garstang Road)

Highcross Road

Higher Green

Lower Green

Market Place

Newton Drive East

Normoss Road

Poulton Road

Queen's Square

Queensway

Station Road (Lower Green to Vicarage Road)

Tithebarn Street

Vicarage Road (Chapel Street. to Vicarage)

THORNTON CLEVELEYS

Bispham Road

Cleveleys Avenue (Victoria Road to Chester Avenue)

Crescent East

Crescent West

Fleetwood Road North (Four Lane Ends to Bourne Way)

Green Drive

Nutter Road (Victoria Road. West to Rough Lea Road).

Princess Road

Promenade North

Promenade South

Ramper Gate

Rossall Road

Rough Lea Road

Runnymede Avenue

Stanley Avenue

Station Road

St. George's Avenue

St. George's Lane

Trunnah Road
Victoria Road East (Four Lane Ends to Station Road)
Victoria Road West

FLEETWOOD

Adelaide Street
Albert Street
Balmoral Terrace
Bold Street (Esplanade to North Church Street)
Copse Road
Custom House Lane
Dock Street
Esplanade
Euston Crescent
Green Drive
Kent Street (Queens Terrace to North Albert Street)
Laidleys Walk
Lord Street
Manor Road (Esplanade to Shakespeare Road)
Mount Road (Bold Street to Esplanade)
North Albert Street
North Church Street (Esplanade to Bold Street)
Outer Promenade
Pharos Place
Poulton Road
Poulton Street (Lord Street to Poulton Road)
Promenade Road (Esplanade to Abbotts Walk)
Queens Terrace
Radcliffe Road
Rossall Promenade
Station Road
St. Peter's Place
The Bay
Victoria Street (Dock Street. to Lord Street.)
Windsor Terrace/Place

KNOTT END / PREESALL

Barton Square
Bourne May Road
Esplanade
Lancaster Rd (Barton Square to Telephone Exchange)
Wyre View

GARSTANG

Bridge Street
Church Street
Croston Road
Croston Weind
High Street
Kepple Lane
Lancaster Road
Market Place
Moss Lane
Park Hill Road