

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT
OUTSIDE OF BEDFORD TOWN CENTRE

Please ensure that you have read the relevant Guidance Notes before completing this Application Form

To: Licensing Service, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford, MK42 9AP. Or licensing@bedford.gov.uk

I/We apply under the provisions of the above Act for a street trading consent. Please complete a separate application form for each stall, van, barrow, cart etc. if you wish to be considered for more than one.

I/We submit the following particulars:-

| | | | |
|---|-----------------------------------|----------------------------------|---------------------------|
| 1. (a) Full name(s) (block letters) (b) Trading name (if any) | | | |
| 2. (a) Address | | | |
| (b) Telephone number | | | |
| (c) Email (By providing your email address, the Council will accept this as confirmation that you are willing to receive information electronically) | | | |
| 3. Have you been convicted of any offence in the past 10 years? If 'YES', please give details | YES / NO | | |
| | Court Code and Date of Conviction | Offence Code and Date of Offence | Fine, Penalty or Sentence |
| | | | |
| 4. Are there any prosecutions Pending against you? | YES / NO | | |
| If 'YES' please give details | Alleged Offence | Date of Court Hearing | |
| | | | |

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| 5. | Description of articles to be sold: | |
| 6. | Trading site (Please give details and provide a site plan). | |
| 7. | How long a period of consent are you applying for (i.e. 12, 8, 6 months etc.)? | |
| 8. | Proposed days and times of trading. | |
| 9.(a) | Type of stall. | |
| (b) | Brief description of your proposed stall (please enclose a photograph of the stall and the person who will normally operate it in the appropriate dress). | |
| 10. | Type of Power Source State what type of power source is to be used e.g. electrical generator , gas cylinder | |
| 11. | Address of premises used for storage/accommodation of stall and, if appropriate food. | |
| 12. | Will you be the sole operator(s) of the stall? If 'NO', how often will you operate the stall? | YES / NO |
| 13. | If answer to 12 is 'NO', please give details of persons who will operate the stall (include age and date of birth). | |

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| <p>14. Do you have Public Liability Insurance in the sum of £5 million?</p> <p>If 'YES', please enclose a copy of the policy.</p> <p>If 'NO', give details of any Public Liability Insurance you presently have and indicate whether you would be willing to obtain £5 million Public Liability Insurance.</p> | <p>YES / NO</p> |
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| <p style="text-align: center;">FOOD CONSENTS</p> | |
|---|-----------------|
| <p>15. Please give details about your food handling experience to date (if applicable).</p> | |
| <p>16. (a) Have you ever attended a food hygiene course offered by a local authority?</p> <p>If 'YES', when and where?</p> <p>(b)</p> | <p>YES / NO</p> |
| <p>17. Are you at present registered with the Bedford Borough Council under the Food Safety Act 1990?</p> <p>If 'YES', please give date of registration</p> | <p>YES / NO</p> |

| <p style="text-align: center;">BUSINESS INTERESTS</p> | |
|--|-----------------|
| <p>18. (a) Present occupation</p> <p>(b) Previous employment during last five years.</p> | |
| <p>19. (a) Have you traded in Bedford before?</p> <p>(b) If the answer to 19(a) is yes, please give details (e.g. dates, times and areas involved in the trading).</p> | <p>YES / NO</p> |

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| 20. (a) Have you traded in any other town/city? (b) If 'YES', please give details including licence number if applicable, name of local authority and dates of trading. | YES / NO |
| 21. (a) Are you related to other street traders in the Borough? (b) If 'YES', please give details (i.e. name of other trader and relationship) | YES / NO |
| 22. Do you have an interest in any other businesses? If 'YES', please give details | YES / NO |

| OTHER INFORMATION | |
|--|-----|
| 23. Names and addresses of two independent referees to whom reference may be made about you | (1) |
| | (2) |
| 24. Please give any other details you wish to be considered when dealing with your application. (Use a separate sheet if necessary) | |

I/We declare that I am/we are not under 18 years of age and I/We certify that, to the best of my/our knowledge and belief, the above particulars are correct.

Fee of £ _____ accompanies this application. (Cheque to be made payable to Bedford Borough Council).

Dated Signed.....

Dated Signed.....

The above application must be submitted with a non-refundable deposit. Should your application be successful then this fee will be taken into account against the total applicable to your application

BEDFORD BOROUGH COUNCIL

GUIDANCE NOTES FOR APPLICANTS FOR STREET TRADING CONSENTS OUTSIDE OF BEDFORD TOWN CENTRE

- 1) 'Street trading' is the the selling or exposing or offering for sale of any article (including a living thing) in a street. The framework for 'Street Trading' Consents is set out in the Local Government (Miscellaneous Provisions) Act 1982. Attached to this guidance note is a list of trading which is exempt from the definition of street trading.
- 2) With effect from 1 November 2008, 'street trading' is not permitted throughout the Borough of Bedford unless 'consent' to trade has first been obtained from the Council. This applies to all designated streets and adjacent areas to those streets. The designation process sought to name all roads in the Borough and if you would like to check whether the street you are or wish to street trade in is designated please contact the Council's licensing service.

The term "adjacent areas" means any forecourt, road, street, footway, alleyway, doorway or other area:

- (i) to which the public have access without payment:
 - (ii) which is within a distance of 10 metres of any of the streets listed above; and
 - (iii) which is not linear continuation of any such street.
- 3) The Authority, should your application be granted, only give permission to trade. The Authority does not give permission to use any private land, you will need to seek permission from the land owners.
 - 4) An application for a "consent" must be made on the Council's application form and submitted to the Licensing Service, Bedford Borough Council, Borough Hall, Bedford MK42 9AP. A separate form must be completed for each stall, van, barrow, cart etc.
 - 5) The application form must be accompanied by the non refundable deposit as stated on the fee schedule. Should the application be successful then the balance will be payable prior to the issue of the consent.
 - 6) Applications must be accompanied by a passport type photograph of the applicant and a photograph of any stall, van, barrow, cart or other vehicle from which the applicant wishes to trade.
 - 7) Any stall, van, barrow, cart or other vehicle from which it is intended to trade will be inspected by an Officer of the Council's Environmental Health Service.
 - 8) All applications will be considered individually on their merits.
 - 9) Food Hawkers wishing to trade in Bedford Borough will require a street trading consent and to be registered with a Local Authority under the Food Safety Act 1990 prior to commencing to trade. Food Hawking includes going from place to place offering for sale or selling food and also includes offering for sale or selling food in the open air.
 - 10) Where a street trading consent is granted the Council will normally impose the conditions attached (and may impose others).

- 11) An application for a street trading consent is subject to a 28 day consultation period and, depending on the outcome of the consultation, may require consideration at a General Licensing Sub-committee. Consequently applicants are advised to submit their applications at least 6 weeks prior to the date from which they wish for their application be considered by the General Licensing Sub Committee. Meetings of the General Licensing Sub Committee to which applications will be referred are scheduled regularly and for details of these, contact the Licensing Team.
- 12) The Applicant's attention is drawn to the need to give accurate replies to each question on the form. Failure to do so may prejudice the application and will inevitably delay its processing whilst the proper replies are sought. The Applicant's attention is particularly drawn to questions 3 and 4 on the form, the answers to which must give the details requested; failure to do so will prevent consideration of the application. Applicants are reminded that by virtue of paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1984, **IT IS AN OFFENCE IF ANY PERSON KNOWINGLY OR RECKLESSLY MAKES A FALSE STATEMENT OR OMITTS ANY MATERIAL PARTICULAR** in completing this application. **If consent is granted to such a person this may be immediately suspended or revoked.**
- 13) Further information and application forms may be obtained from the Licensing Service, Bedford Borough Council, Cauldwell Street, Bedford MK42 9AP or licensing@bedford.gov.uk. These forms are also available online at www.bedford.gov.uk/licensing.
- 14) You are advised to seek legal advice in relation to the application for a street trading consent. If you intend to seek legal advice you should do so as soon as possible and you should take these forms with you and show them to your legal adviser.

EXEMPTIONS FROM THE DEFINITION OF STREET TRADING

The following are not street trading for the purposes of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate under the Pedlars Act, 1871;

(NOTE: A person standing in the street to sell their goods and who is not going from house to house does not come within the definition of a pedlar).
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (included a presumed grant) or acquired or established by virtue of an enactment or order;
- (c) trading in a trunk road picnic area provided by the Secretary of State under Section 112 of the Highways Act, 1980;
- (d) trading as a news vendor where the only articles sold or exposed or offered for sale are newspapers or periodicals, and 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:-
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street;
- (e) trading which:-
 - (i) is carried on a premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of a business of the shop;
- (f) selling things, or offering or exposing them for sale, as a roundsman;
- (g) the use, pursuant to a formal permission in respect thereof under Part VIIA of the Highways Act, 1980 for trading of an object or structure placed on, in or over certain highways restricted to use by persons on foot or on horseback, or the operation of facilities for recreation or refreshment on such highways;
- (h) sales permitted by a street collection permit granted under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act;

STANDARD CONDITIONS TO APPLY TO STREET TRADING CONSENTS

- 1) Trading shall not take place in such a manner as to cause obstruction of the street or danger to persons using it.
- 2) Trading shall not take place in such a manner as to cause nuisance or annoyance to persons whether using the street or otherwise.
- 3) Trading shall be restricted to the specific location within the consent street approved by the Council.
- 4) Trading shall be restricted to the times approved by the Council.
- 5) In cases where there is a perceived problem created by the smells generated by the preparation and cooking of food, a prohibition shall be placed on the cooking of onions. If problems persist, the Consent Holder acknowledges that further consideration will be given to the siting of hot food stalls.
- 6) In appropriate cases, as determined by the Service Manager (Public Health), the consent holder shall provide suitable receptacles for litter and shall arrange for the disposal of any litter from the trading location. In the event that a litter receptacle is required, a notice shall also be displayed on the vehicle, van, stall, barrow or cart requesting customers to deposit litter in the receptacle.
- 7) All Consent Holders shall display his street trading consent incorporating a photograph of the street trading consent holder in a prominent position on the vehicle, van, stall, barrow or cart from which he is trading. In cases where the street trading consent holder is not trading from such a vehicle he shall at all times have on his person his street trading consent which shall be shown to an authorised Officer of the Council or to any Police Officer on request.
- 8) The Consent Holder shall ensure that the appearance of their stall/trailer shall be of a high standard and shall display a sign stating "Authorised Bedford Street Trader" as supplied by the Council.
- 9) If a Consent Holder or his/her employee is requested to move his vehicle, van, stall, barrow or cart by an authorised Council Officer, a Police Officer, an Officer of the Bedfordshire Fire and Rescue Service or an Ambulance Service Officer he/she shall immediately comply with that request.
- 10) All Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. A minimum insurance cover of £5 million shall be obtained by the consent holder and shall cover the operator's vehicle, van, stall, barrow or cart and any additional equipment under his control such as generators, etc. If food is sold, the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Chief Officer with delegated responsibility for licensing matters before the Street Trading Consent is issued and at any other time during the currency of the Consent on demand.
- 11) Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at his vehicle, van, stall, barrow or cart. Where a power source or heating appliance is present, e.g. a generator or bottled gas container, then a suitable fire extinguisher shall be provided. In addition, a fire blanket shall be provided in vehicles selling hot food.

- 12) At all times the Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Particular attention shall be paid to the requirements of the Health and Safety at Work Act 1974, the Food Hygiene (Market Stalls and Delivery Vehicles) Regulations 1966, the Shops Act 1950, the Food Safety Act 1990 and the Environmental Protection Act 1990. Advice on these requirements can be obtained from the Service Manager (Public Health).
- 13) If a trailer is used the Consent Holder is responsible for ensuring that the tow bar of the trailer is adequately covered to minimise any potential safety hazard to members of the public.
- 14) A street trading consent shall not be granted to persons under the age of 18 years and no person employed by a Consent Holder to assist him/her in his street trading shall be under the age of 17 years.
- 15) In the normal course of street trading, a Consent Holder shall not use any form of artificial lighting, electrical generator or gas cylinder without the prior consent of the Chief officer with delegated responsibility for licensing matters.
- 16) The Consent Holder shall not occupy an area in excess of 5 square metres and shall not use or obstruct any item of street furniture (including planters, public seats, traffic signs or litter bins).
- 17) The Consent Holder shall ensure that all materials stored at the stall are stored in as tidy and safe a manner as possible.
- 18) At the end of each day's street trading, the Consent Holder shall ensure that all waste is removed from the street trading location. Consent Holders shall provide their own receptacle for disposing of their own waste and for those selling food the receptacle must have a close fitting lid, be impervious and capable being kept clean.
- 19) The Consent Holder shall ensure that the area in the vicinity of the stall is kept free of litter generated directly from the stall or its customers.
- 20) The Consent Holder shall ensure that waste liquids arising at the stall are not disposed of into any highway channel, gully or manhole or in any other manner likely to cause pollution of any surface water drainage system.
- 21) In the normal course of street trading, the Consent Holder shall take all reasonable care to avoid staining, contaminating, breaking or otherwise damaging the surface of the highway.
- 22) The Consent Holder shall comply with all traffic regulation orders whilst transporting any vehicle, stall, barrow or cart to and from the location specified and shall be responsible for making any application for the issue or renewal of exemptions to such orders necessary to enable access to the stall location.

DATA PROTECTION PRIVACY ADVICE

Through the relevant application/notice forms, accompanying documentation and payment facilities associated with this licensing function the Council (the data controller) collects personal data. Personal data may also be collected in respect of further related requests for information from the applicant/person submitting the notice. This is necessary for the performance of legal obligations on it in respect of the relevant licensing function or otherwise necessary for the performance of a task carried out in the public interest or in the exercise of official authority. These also form the basis for the further processing of the personal data by the Council in connection with the application/notice, any determination of the same and any subsequent authorisation/appeal and issues that arise during the period of the authorisation/appeal. Beyond that, the Council will retain the records for 5 years and then destroy them securely. The Council will maintain and retain public registers and these are not destroyed. The Council may from time to time extract information itself from those public registers. The Council will share with and receive information from the following:

- Other Council Services
- Bedfordshire Fire & Rescue Service
- Bedfordshire Police
- Ward Councillors
- Parish Councils
- Site Notice

in respect of data subjects who are applicants/notice givers and those who hold authorisations. It holds the personal data in a way designed to secure it from unauthorised use, loss or destruction. These measures include recruitment and training of staff, procurement of services and physical/cyber security. The Council's privacy statement for this function is available at www.bedford.gov.uk or upon request from the Council using the address and telephone contact details elsewhere on this form. The Council will update its privacy statement from time to time and you are urged to read that statement. You have information rights that are explained at <https://tinyurl.com/y7uccndm>. You can exercise your information rights by contacting the Council's Data Protection Officer at dpo@bedford.gov.uk or writing to Information Governance, Bedford Borough Council, Borough Hall, Cauldwell Street, Bedford MK42 9AP. If you believe that the Council has failed to comply with its data protection obligations you may contact the ICO at 0303 123 1113 or at www.ico.org.uk. Further contact details are available upon request. The full Privacy Statement for street Trading Applications can be found here:

www.bedford.gov.uk/gdprprivacy

FREEDOM OF INFORMATION

Information held by the Council may need to be disclosed in response to a request for it within the terms of the Freedom of the Information Act 2005. This information excludes that which is in any other way already in the public domain.