

SCHEDULE 4
STREET TRADING

Interpretation

1.-(1) In this Schedule consent

street " means a street in which street trading is prohibited without the consent of the district council ;

" licence street " means a street in which street trading is prohibited without a licence granted by the district council ;

" principal terms ", in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below ;

" prohibited street " means a street in which street trading is prohibited ;

" street " includes-

(a) any road, footway, beach or other area to which the public have access without payment ; and

(b) a service area as defined in section 329 of the Highways Act 1980,

and also includes any part of a street ;

" street trading " means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street ; and

" subsidiary terms ", in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

Local Government (Miscellaneous Provisions) Act 1982 c. 30 81

(2) The following are not street trading for the purposes of this Scu. 4 Schedule-

(a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 c. 96. 1871 ,

(b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including 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 c. 66. 1980 ;

(d) trading as a news vendor ;

(e) trading which-

(i) is carried on at 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 the business of the shop ;

(f) selling things, or offering or exposing them for sale, as a roundsman ;

(g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;

(h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;

(1) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

(3) The reference to trading as a news vendor in sub-paragraph

(2)(d) above 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-

(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.

Designation of streets

2.-(1) A district council may by resolution designate any street in their district as-

(a) a prohibited street ;

(b) a licence street ; or

(c) a consent street.

Street trading consents

7.-(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.

(2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.

(3) A street trading consent shall not be granted-

(a) to a person under the age of 17 years ; or

(b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

(4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

(5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent-

(a) obstruction of the street or danger to persons using it ; or

(b) nuisance or annoyance (whether to persons using the street or otherwise).

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

(7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.

(8) The council may include in a street trading consent permission for its holder to trade in a consent street-

- (a) from a stationary van, cart, barrow or other vehicle ; or
- (b) from a portable stall.
- (9) If they include such a permission, they may make the consent subject to conditions-
 - (a) as to where the holder of the street trading consent may trade by virtue of the permission ; andLocal Government (Miscellaneous Provisions) Act 1982 c. 30 89
- (b) as to the times between which or periods for which he Scn. 4 may so trade.
- (10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- (11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

General

- 8. The holder of a street trading licence or a street trading consent may employ any other person to assist him in his trading without a further licence or consent being required.
- 9.-(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.
 - (2) A council may determine different fees for different types of licence or 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 licence or 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.
 - (3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.
 - (4) A council may determine that fees may be paid by instalments.
 - (5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

Offences

- 10.-(l) A person who-
 - (a) engages in street trading in a prohibited street ; or
 - (b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule ; or
 - (c) contravenes any of the principal terms of a street trading

licence ; or

(d) being authorised by a street trading consent to trade in a consent street, trades in that street-

(i) from a stationary van, cart, barrow or other vehicle ; or

(ii) from a portable stall, without first having been granted permission to do so under paragraph 7(8) above ; or

(e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(3) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding £200.

Savings

11. Nothing in this Schedule shall affect-

1847 c. 14. (a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act ;

(b) section 55 of the Food and Drugs Act 1955 (prohibition of certain sales during market hours). 1955 c. 16 (4 & 5 Eliz. 2).