



# **Ludlow Town Council**

## **Street Trading Policy**

**Adopted 5<sup>th</sup> December 2011**

**Amended and Re-adopted 18<sup>th</sup> March 2013**

**Amended and Readopted 30<sup>th</sup> January 2017**

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## **1. Purpose**

- 1.1 The Town Council's street trading policy aims to create a street trading environment which complements premises and Market based trading. It is sensitive to the needs of residents and visitors, provides diversity and consumer choice and seeks to enhance the character, ambience and safety of the local environment.
- 1.2 The policy recognises the importance of street trading to the Town of Ludlow and that it can add to the vibrancy and vitality whilst not creating nuisance and crime and disorder.

## **2. What is Street Trading**

- 2.1 Street trading means 'selling, exposing or offering for sale any article in a street'. The term 'street' includes any road, footway or other area to which the public have access without payment.
- 2.2 Ludlow Town Council has been given power pursuant to Section 101 of the Local Government Act 1972 to exercise the Street trading powers of Shropshire Council pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its Town Council area. The following streets have been formally designated as 'consent streets' for street trading purposes:-  
  
The Bull Ring  
Tower Street  
King Street  
High Street  
Church Lane  
Harp Lane  
and Castle Square
- 2.3 The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading 'consent' or permission from the Town Council.

## **3. Exemptions from the need to obtain a Consent or Licence**

- 3.1 Some types of trade are legally exempt from the need to obtain a street trading consent or licence. These include:
  - A person trading under the authority of a pedlars certificate granted under the Pedlars Act 1871
  - Trade carried out by roundsmen e.g. milkmen
  - Trade carried on at a petrol filling station
  - A Market created by statute or grant such as our Ludlow Market

- Trading as a newsvendor
- Trading in and around shops
- Charity collections which are governed by other legislation.

#### **4. Street Trading Consents or Licences for which fees are not payable**

4.1 Ludlow Town Council will not require the payment of fees for the following street trading activities:

- Fetes, carnivals or similar community based and run events
- Non-commercial or charitable events

4.2 Please note that:

- Commercial Fetes, carnivals and similar community based and run events are not exempt

#### **5. Site Assessment for consents**

5.1 Ludlow Town Council has considered the Consent Streets and the street trading pitches used by Shropshire Council which it has used for the initial 7 months period April – October 2011 and has decided to formulate it's own policy for the Consent Streets in the light of the Policy and experience in the operation of the Shropshire Council sites and has decided to change the configuration of the pitches to fit current practices and premises where a S115 Highways Act 1980 Pavements consent has been given by Shropshire Council, as contained within the Schedule.

5.2 The Council will keep under review the operation of the Street Trading powers and will maintain a map showing the location of street trading pitches and details of the sizes and positions of the pitches within the Schedule attached which is subject to review.

5.3 Consents or licences may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location without causing obstruction, nuisance or annoyance.

5.4 In determining whether to create a street trading pitch the Council has had regard to:

- Impact on the character of the surrounding area
- Any effect on road safety, either arising from the position of the pitch or from customers visiting or leaving the pitch
- Any loss of amenity caused by noise, traffic or smell
- Existing Traffic Orders e.g. waiting restriction, parking, etc
- Any potential obstruction of pedestrian or vehicular access
- Any obstruction to the safe passage of pedestrians
- Any obstruction for the safe passage of disabled persons whether walking with aids or using wheelchairs and mobility scooters in liaison with the South Shropshire Access Group

- The safe access and egress of customers and staff from the pitch and businesses in the immediate vicinity
- Overall health and safety considerations.

## **6. Consultations for the creation of New Pitches**

- 6.1 Before any new pitch is created by the Town Council or an applicant applies to use Council controlled land for the purpose of Street Trading (non market) we will expect the trader requesting the pitch to consult and seek written observations from Occupiers of premises immediately adjacent and opposite the requested site.
- 6.2 If a pitch requires planning permission, the onus is on the applicant to obtain both planning permission and permission to trade from the Landowner prior to making an application for Street Trading consent and providing proof. It is not the responsibility of the issuing Authority to investigate and obtain this information.
- 6.3 The Town Council will consult the following bodies in relation to requests for new pitches:-
- Ward Councillors
  - Shropshire Councillors
  - West Mercia Constabulary
  - Highways
  - Existing holders of street trading consents in the immediate area with an annual permit
  - South Shropshire Access Group
  - Ludlow Chamber of Commerce
  - Ludlow Business Guild
  - Ludlow Town Residents Association
- 6.4 The Town Council will also consider any responses received from members of the public in relation to a comment.
- 6.5 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be considered by the Town Council and may be granted with conditions attached to the consent.
- 6.6 Any objection from consultees and members of the public will be assessed against the criteria in 5.4 above and will be considered by The Town Council.
- 6.7 Any proposed change to standard conditions will be consulted upon with consent holders and others if relevant.
- 6.8 There is no right of appeal against refusal to provide an extra pitch, but where an application is refused, payment of the application fee will be refunded.

## **7. Nature of Goods and Trading Hours for New Pitches**

- 7.1 The nature of goods which may be sold from any pitch will be specified in the consultation/application process. Any subsequent substantial change will be assessed by officers, subject to the criteria in 5.4.

## **8. Issue of Street Trading consents/Licences**

- 8.1 Street trading hours are normally set as for the Town Council's Markets.
- 8.2 The design and appearance of the stall, barrow van or cart etc. used must be agreed by the designated Town Council officer and must comply with any and all regulations as issued by the Town Council which are subject to review.
- 8.3 Street trading consents/licences will normally be issued for a period of up to one year, but new (non market) pitch consents will be issued for a trial period not exceeding three months, to determine the effect of the location factors in 5.4. Consents and licences for shorter periods may be issued for block bookings for the purpose of organised street markets, mobile street artists and local festivals.
- 8.4 Consents will be available on seven days per week unless there are limiting factors on the use of a pitch on particular days. The permissions will identify the days of trade.
- 8.5 Fees for consents must be paid in full and in advance.
- 8.6 Failure to maintain payments as above may result in the permission not being renewed or being revoked.
- 8.7 Where a consent has expired the pitch will be awarded, subject to paragraphs 8.6 and 8.7 below.
- 8.8 A waiting list will be kept of goods to allocate of empty pitches but these will be allocated to avoid duplication where possible.
- 8.9 When an existing or new pitch becomes available, the Council will contact those at the top of the list. If the pitch is taken, their name will be removed from the list. If the pitch is declined, the name will be moved to the bottom of the list.
- 8.10 A consent/licence cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent/licence by reason of having been convicted of an offence or for any other reason.
- 8.11 Special conditions and charges apply to the use of vehicles and trailers as contained within the Schedule

## **9. Right of Appeal**

9.1 There is a right of appeal to a Magistrates Court against refusal to issue a licence in certain circumstances. Any person aggrieved may appeal against the decision so long as the reasons for the Council's decision falls within certain grounds, namely:

- That the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason
- That the applicant has at any time been granted a street trading licence by the Council and has persistently refused or neglected to pay fees or charges due to them: or
- The applicant has without reasonable excuse failed to avail him/herself to a reasonable extent of a previous street trading
- That the applicant has in the past not complied with the relevant conditions of the area in which the street trading licence has been granted
- There are other limited circumstances where a right of Appeal exists in Schedule 4 of the Local Government (Miscellaneous) Act 1982.

## **10. Fee Structure**

9.1 The fee structure will primarily reflect pitch, size, location, trading days and hours.

9.2 The Town Council will set fees and annually review them.

## **11. Conditions and Enforcement**

11.1 Standard conditions will be attached to every street trading consent and licence detailing the holders responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

11.2 The Town Clerk or delegated officer with responsibility for the issue of consents and/or licences may review the condition set out in the Schedule and may add to, delete or amend the conditions as they see fit.

11.3 Specific conditions will also be attached such as the days and hours, when street trading is permitted, the goods which may be sold and the size of the pitch as appears in the Schedule.

11.4 Failure to comply with conditions, non-payment of fees or non-attendance may lead to revocation or non-renewal of a consent/licence.

- 11.5 Persons trading without a street trading permission and who are not exempt (see 3.1 above for examples) will be the subject of enforcement action. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act.
- 11.6 The issue of absent traders will be addressed by conditions upon the licence or the consent, for example conditions which:
- Require personal attendance of the holder without the option for someone else to run the business on his behalf
  - Allow a person to hold only one licence or consent
  - Restrict whether or not the holder may have an assistant and if so limit the number of assistants
  - Require the holder to provide notification of his nominated assistant
  - Require the holder to provide notice of non-attendance to the nominated person
  - Require the holder to pay for a pitch if there is no advance notice
  - Allow the Officer to revoke the consent/licence after a three weeks non-attendance or sooner if applicable unless the non-attendance is agreed in advance by the Town Council.
- 11.7 Internal appeals against the Town Clerk's decision can be made to the Street Trading Sub-Committee in accordance with Appendix D.

## **12. General**

- 12.1 Through its links with the Tourism Strategy Group Shropshire and by other means, the Council will seek opportunities to promote street trading where it is in the best interests of residents, tourists and the general provision of retail services of Ludlow.
- 12.2 This policy will complement and inform other Town Council initiatives including those on street markets.
- 12.3 This policy will be the subject of periodic monitoring and review by the Street Trading Sub – Committee which will report back to full Council as necessary.
- 12.4 The minimum period of notice the Town Council requires to process an application is 7 days, or at the discretion of the Town Clerk.
- 12.5 Repeated failure to fully notify staff of all information required to create a street trading permit within the 7 day prior notification period will result in the permit being revoked without refund, and no further applications will be accepted.

### **13. Credits and Refunds**

- 13.1 If a permit is surrendered for cancellation within normal office hours and 24 hours prior to trading a credit will be permitted.
- 13.2 The Town Council reserves the right not to grant a credit if a permit is presented for cancellation (in full or part) with less than 24 hours notice.



## Schedule 1

### Location of Pitches and sizes

Location	Quantity of Pitches	Size of Pitch(es)
The Bull Ring	1 single pitch	1.82m x 1.82m (6' x 6')
Castle Sq (near to College)	1 Pitch plus 1 vehicular/trailer pitch  Or 3 general pitches	Pitch size 3m x 3m (9' x 9') vehicular pitch 6m x 2m (20' x 7') Each pitch 3m x 3m (9' x 9')
High Street (next to Bx)	1 Single pitch	3m x 3m (9' x 9')
Tower Street	Irregular shape  Small trailer permitted onsite.	7 m (23') length of stone Wall, width no wider than 15cm (6") from inside the double yellow lines and not to encroach onto adjoining property frontages

## Schedule 2

### Fee Structure

Location	General Fees	Festival Fees
The Bull Ring	£10.30 per day	£30.90 per day
Castle Sq (near to College)	£19.10 per pitch per day  Vehicular pitch - £37.13 per day	£37.13 per day  Vehicular pitch - £74.26 per day
High Street (next to Bx)	£18.54 per day	£36.05 per day
Tower Street	£10.30 per day	£20.60 per day

## Schedule 3

### Discounts for Block Booking Paid for in Advance

3 months <sup>(1)</sup>	10%
6 months <sup>(1)</sup>	15%
Annual <sup>(2)</sup>	25%

(1) Festival dates for 3 and 6 month bookings are **not** included in block bookings and must be paid for separately.

(2) Festival dates are included in the Annual permit.

Festival dates include – Spring and Summer Festivals, Mayfair, Food Festivals, Medieval Fayre, Remembrance Sunday and Jubilees.

## Schedule 4

### Electricity Charges (where available)

Non- Vehicular Pitches	Lighting £1.00 per day Other items £5.00 per day
Vehicular Pitches	Lighting £1.00 per day Other items £7.50 per day

- If available, electricity may be used by Street Traders. It should be noted that priority is given to Market Traders.
- All electrical equipment must be safe and sound to the requirements of statutory regulations such as the Health & Safety at Work Act
- Permitted maximum amperage for electrical equipment is 10 amps for Vans, 5 amps for all other stalls unless otherwise authorised by the Town Clerk. Fuse capacity must not be altered.
- In no circumstances should cables be left on the ground
- Electricity will be chargeable per trading day. If a trader does not wish to use electricity this charge will not be applied.
- If the supply is misused traders may be refused subsequent use and any costs for repairs will be passed onto the Trader.
- **Traders should note that the use of electric heaters is not permitted**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**STREET TRADING CONSENT**

1. Trading may take place only in those Consent Streets which are designated by the Town Council in accordance with Schedule 4 of the above Act.
2. Trading is not permitted on any day or at any time other than the days and times specified in the Consent.
3. No vehicle or stand other than that specified in the Consent shall be used for trading purposes. The Council should be notified in the event of a change in the type of vehicle or stand being used.
4. No goods shall be sold other than those specified in the Consent.
5. The holder of this Consent shall not cause an obstruction of the street or danger to persons using it.
6. The holder of this Consent shall be responsible for ensuring that the area immediately surrounding the vehicle or stand is kept clean and free from litter, and that all trade waste be removed from the pitch by the trader.
7. No vehicle will be allowed to have its engine running and the engine must be still once in position during trading hours.
8. Traders are entitled to use electricity as set out in Schedule 4. Should the supply be misused the Town Council reserves the right to pass on any relevant repairs costs and is entitled to refuse subsequent use.
9. The holder of this Consent may at any time surrender the Consent to the Council and it shall then cease to be valid.
10. This consent does not exempt the holder from complying with the rules of the Highway code.
11. There will be no refund of fees if the Consent is surrendered or revoked.
12. All traders are required to have valid employer's liability if they employ staff other than themselves, and public liability insurance in their name or trading name.
13. All food traders are required to provide a Food Rating Certificate from the Authority they are registered with and are recommended to have a Food Hygiene Certificate.

## Appendix C

- 1) If you are dissatisfied with the way in which your application has been considered you are invited to write to the Chairman of the Street Trading Sub-Committee setting out the grievance.
- 2) Your Appeal must be made in writing within 14 days of the issue/or refusal of your permit.
- 3) The Street Trading Sub-Committee will respond to the appeal within 28 days of the initial appeal.

# STREET TRADING CASTLE SQUARE—NEAR TO LUDLOW COLLEGE



# STREET TRADING

## HIGH STREET—NEXT TO THE BUTTERCROSS



**NOT TO SCALE**  
**Street Trading Pitch**  
1 standard pitch  
Public bench and bike stand keep clear





# STREET TRADING TOWER STREET



**NOT TO SCALE**  
**Street Trading Pitch**  
1 pitch— 23' length along the stone wall  
and 6" inside the double yellow lines.  
Must not encroach onto adjoining prop-  
erty frontages.

Double yellow lines