



**Street Trading Application Form**  
**High Street, Gosport**

If you are completing this form by hand please write legibly in block capitals.  
Once completed please send your application to: The Licensing Officer, Gosport Borough Council, Town Hall, High Street, Gosport PO12 1EJ.  
You may wish to keep a copy of the completed form for your records.

**SECTION 1 - APPLICANT DETAILS**

Mr  Mrs  Miss  Ms  Other title   
(e.g. Rev)

**Surname**

**Forenames**

**DATE OF BIRTH**

**NATIONAL INSURANCE NUMBER:**

**HOME ADDRESS**

**POSTCODE**

**TEL NO. (Home)**

**TEL NO. (Mobile)**

**E-mail address  
(optional)**

**SECTION 2 - CONSENT DETAILS**

**Please describe the location you wish to trade in, in the event your preferred consent is unavailable please indicate any others you would be willing to accept:-**

**SECTION 3 - BUSINESS DETAILS**

**TRADING NAME OF BUSINESS**

**NAME OF LOCAL AUTHORITY  
IF REGISTERED AS FOOD BUSINESS**

**DESCRIPTION OF BUSINESS**

**PERIODS OF TRADING**

If seasonal please state period required:-

<b>Days Of Trading</b> (please circle)			
MON	YES NO	FRI	YES NO
TUE	NA	SAT	NA
WED	YES NO	SUN	YES NO
THUR	YES NO		

NB Vehicle movement restrictions apply

**SECTION - 4 DISCLOSURE**

If you have been convicted of any offence you must disclose it unless it is "spent", under the Rehabilitation of Offenders Act 1974.

**SECTION 5 - UNIT TO BE APPROVED IN RELATION TO CONSENT**

**EXTERIOR**

Measurements of Unit      Height       Width       Length

Please affix (or enclose) a Photograph of the front exterior of the mobile/unit

**SECTION 7 - Acceptance**

**I confirm the information I have provided is correct to the best of my knowledge:-**

**Signed.....      Dated.....**

**Print name .....**

**SECTION 8 - Please tick to show that the required items listed are enclosed in support of your application:-**

- Colour Photograph of front exterior of unit to be approved.**
- Certificate of Public Liability Insurance (copy)**

**Data Processing Fair Processing Statement**

The information that you provide is used to determine whether or not to grant a Club Premises Variation. We have a duty to protect the public funds we administer and may use your information for the prevention and detection of fraud. The information may also be used for auditing, monitoring, statistical and other research. Some of the information we hold may be shared with other Council or Government departments, agencies and similar organisations (including law enforcement agencies) to enable them to perform their duties or for comparison purposes. The information we hold about you is normally retained for seven years after the end of the licence period. For further information about the National Fraud Initiative see [www.fareham.gov.uk/dpnfi](http://www.fareham.gov.uk/dpnfi)



## **Street Trading Consent**

A general guide to the law; policies and requirements for obtaining a street trading consent.

### **Introduction**

If you want to sell, expose or offer for sale any article in a street, then you must hold a street trading consent issued to you by the Council. It is an offence to engage in street trading without the benefit of a consent.

This leaflet tells you:

- What legal requirements you must meet to obtain a consent;
- What policy guidelines we have adopted;
- What information we need from you to enable us to consider your application.

We will be asking you to complete an application form and to provide other information in order that we can process your application. All information received will be treated with respect and in confidence.

Please read this information carefully. Feel free to ask (or phone 02392 545609) for advice at any time.

### **What are the legal requirements?**

The main Act of Parliament covering the control of street trading is Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. This Act allows us to control street trading in three distinct ways by classifying streets as:

- Licensed streets;
- Prohibited street;
- Consent Streets.

In Gosport we have resolved to adopt the “consent” street status for all streets to regulate trading activities. This is a simpler, more effective means of control and is defined as follows:

- “Consent Street” means a street in which street trading is prohibited without the consent of the Council; and
- “Street” includes any forecourts, roads, footways or other areas adjacent to such streets for a distance of 100 meters and which the public have access without payment.

We have a general discretion in granting or renewing a consent but we cannot approve your application unless we are satisfied that:

- 1 You are at least 17 years of age. (No child can be employed or engaged in street trading by their parents - see Section 20 of the Employment Act 1989).
- 2 You have submitted your application in writing.
- 3 Your proposed trading location will not conflict with our adopted policy guidelines (shown in this leaflet).

For clarification purposes a street trading consent would not be required for the following activities:

- A pedlar - although you cannot set up a stall or stop in any one location for a period of time - you must trade as you travel and not travel to trade;
- A market or fair by enactment;
- A trunk road picnic area;
- A news vendor - although you must sell only newspapers or periodicals and/or have a stall occupying less than 1 metre in length/width or 2 metres in height. Further, any stall must not stand on the carriageway of a street;
- A roundsman - for example milkmen, coalmen and other persons who go to regular customers;
- A charitable street collection;
- Trading carried out at a petrol filling station;
- Trading in and around shops (including in a street adjoining shop premises so used as part of the business of the shop).

We also do not require you to obtain a consent for trading on private land such as a garden, car park or other area where the public are denied general rights of access or have to pay to enter. You might however need to obtain planning permission or the express permission of the council (as landowner) if we own or are responsible for the land.

### **Our policy guidelines**

To help us deal with applications quickly and to allow you to know at an early stage whether your application is likely to be supported we have adopted the following guidelines.

### **Street Trading Policy**

- 1 That where appropriate, street traders be encouraged to obtain and occupy retail premises in the Borough, or to trade within the street market held in Gosport High Street.
- 2 That additional street trading consent will not be required where the Council has already given it's consent by way of a licence, lease or agreement as regards any trading concessions.
- 3 That where consent has been given to hold a street market, additional street trading consents will not be required for individual traders.
- 4 That no new street trading consents (except by way of renewal of existing consents) will be given to individual traders in respect of Gosport High Street on market days.
- 5 Street trading consents will not be required for fairs, fetes and similar events.
- 6 Street trading consents will only be issued where it can be shown that trader will be providing a service that is of benefit to the public and is compatible with the character of the area.
- 7 Street trading consents will not be issued where there is concern in regarding direct competition with existing nearby retail premises.
- 8 The number of street trading consents issued for any one street will be limited in order to avoid any undue concentration.
- 9 Street trading consents will not be issued where there are concerns regarding problems of highway safety, obstruction to users of the highway or conflict with the requirements of emergency vehicles.
- 10 Street trading consents will not be issued where there are concerns regarding problems of noise, smell or late night disturbance, especially in residential street.

- 11 The issuing of a street trading consent is subject to the prior inspection and approval of any stall, vehicle and associated equipment.
- 12 Street trading consents will not be issued for the sale of cars.
- 13 Street trading is prohibited in Ann's Hill Road between Leesland Road and Carnarvon Road. Street trading will be prohibited along the length of the A32 from Hoeford to Fort Brockhurst.

These guidelines were approved by the Health & Leisure Committee in January 2000. We have approval to refuse to grant, renew or to revoke a consent if we are of the opinion that your proposed trading will result in unfair competition or affect highway and/or road safety considerations.

### **STANDARD CONDITIONS IN RESPECT OF STREET TRADING CONSENTS**

- 1 The trader is permitted to operate at locations and positions indicated in the consent. However these may be altered as circumstances dictate.
- 2 The consent is not transferable.
- 3 The trader must pay the appropriate fee for the grant or renewal of the consent by the due date or the consent will be revoked or not issued.
- 4 The trader must comply with all conditions attached to the consent or the consent may be revoked.
- 5 The trader must allow access by duly authorised officers to ensure compliance with consent conditions.
- 6 The trader must comply with any reasonable request from a duly authorised officer or a Police Officer.
- 7 Whilst trading the trader must display his/her name and Street Trading Consent number in a clearly visible position and have a copy of the consent available for inspection by a duly authorised officer or Police Officer.
- 8 The trader must comply with all relevant statutes, regulations and byelaws. In addition all food traders must be registered under the Food Hygiene Regulations.
- 9 The trader must, whilst trading, provide a suitable receptacle for rubbish and litter and remove any rubbish or litter from the site at the end of each days trading.
- 10 The trader must not cause any nuisance or annoyance or use loud speakers, radios or amplified sound.
- 11 The trader must use the approved stall or vehicle and no tables, chairs or similar articles, including advertising signs, shall be placed outside the stall or vehicle unless expressly permitted.
- 12 The approved staff or vehicle must be maintained in a good operational condition.
- 13 The trader or any employee at the stall or vehicle is not permitted to sell, display or wear any article which is offensive either in writing or pictures.
- 14 The trader or any employee at the stall or vehicle is not permitted to hold any auction sale.
- 15 The trader must ensure that, whilst trading, any person left in charge of the stall or vehicle is at least 17 years of age.
- 16 The trader shall obtain insurance for the minimum of £5,000,000 to ensure against third party claims and to indemnify the Borough Council against any claims, liabilities, actions, demands and expenses arising in respect of the grant or renewal of the street trading consent.
- 17 The trader shall reimburse the Borough Council's costs in repairing any damage caused by the use of an approved site.
- 18 The trader shall remove the stall or vehicle from approved site at the end of each days trading.

## **What information do you need to provide for us?**

To help us consider your application we would like you to show us:

- 1 That you have completed the application form fully in every respect.
- 2 That you have identified clearly the proposed trading location you wish to use. Please provide a plan of the proposed location.
- 3 That you can produce evidence of third party public liability insurance to the minimum of £5,000,000, subject to a Risk Assessment being carried out of the adequacy of this amount.
- 4 That you give us details of any other employees or persons who may assist you in your trading.

## **WARNING**

**You must not trade until your application is approved.**

### **Granting/Renewing Your Consent**

Once you have completed your application, we will be in a position to consider your consent. Sometimes we may grant consent for a limited "trial" period. You must provide:

- The consent fee as attached. The fee is refundable if the consent is not granted.

## **WARNING**

**If you fail to pay the prescribed fee or fall behind in your instalments we have authority to revoke your consent immediately.**

Any consent will be granted or renewed subject to standard conditions. The standard conditions are shown in this leaflet. Failure to abide by the conditions may lead to a prosecution against you or the revocation of your consent.

This is an information leaflet and not a statement of law or how we will deal with each individual application.

The Partnership is committed to equal opportunities for all. If you need this document in large print, on tape, in Braille or in other languages, please ask.

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