

# A Guide to Street Trading in Oldham



## **Introduction**

This guidance is published to assist applicants in lodging their application and understanding what information is required of them. It will also explain the process that will be followed in determining it. It should be read alongside the current Street Trading Policy.

## **Legislation**

The controls relating to Street Trading are governed by Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Paragraph 4 to Schedule 4 defines 'street trading' as the selling or exposing or offering for sale of any article (including a living thing) in a street but does not include the following:

- a) trading as a pedlar under the authority of a 'Pedlars Certificate'
- 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'
- d) trading as a news vendor
- e) trading at a petrol station
- f) selling things as a roundsman

The Act states that a District Council can designate its streets in three ways, these are:

- a 'Consent Street' – which is a street in which Street Trading is prohibited without the consent of the council
- a 'Licence Street' – which is a street in which Street Trading is prohibited without a licence granted by the district council
- a 'Prohibited Street' – which is a street in which trading is prohibited

A 'Street' is defined as any road, footway, beach or other area to which the public have access without payment.

## **The Application**

### **Street Trading Licence/Consent**

In order to apply for a Street Trading Licence or Consent;

- a) the applicant must be over 17 years of age and entitled to work in the UK
- b) the application must be submitted to the Licensing Section on the prescribed form (*see attached form below*)
- c) a Basic DBS must accompany the application (*see below*)

- d) the applicant must submit insurance covering the vehicle for Street Trading
- e) the applicant must provide 2 up-to-date passport size photos
- f) the application must be accompanied by the relevant fee
- g) the name of the business must not be the same or similar to that of an existing static retail business or another street trader

The Council will then either:

- Grant the application as applied for
- Grant the application with conditions or a variation to application
- Refuse the application

### **Application Form**

You must complete the attached application form in as much detail as possible and ask for assistance if you encounter difficulties in doing so. The address on your application form must be supported by documents containing the same address. Failure to do so will result in your application being rejected. **Please Note: Information provided on the application form will be published on a Public Register which members of the public can view**

As part of the application process you will need to provide the following documents:-

- Insurance – You must provide your current original insurance certificate. This must cover you for street trading.
- Public Liability Insurance
- Road Tax – You must provide details of your current road tax.
- The Current MOT Certificate for the Vehicle
- The Log Book (V5) for the vehicle
- Driving Licence (also for any assistants who may drive the vehicle)
- Basic Food Hygiene Certificate (if handling food)
- Basic Disclosure - DBS (see below on how to apply)
- Proof you are entitled to work in the UK
- Gas Safety Certificate (where applicable)
- Proof your vehicle has been inspected for food hygiene by Environmental Health (New Applications Only – ring for an appointment on 0161 770 2244)

The majority of these documents need to be produced on every renewal. Please note the Basic DBS Certificate is valid for 12 months only and needs to be renewed on a yearly basis. The Food Hygiene Certificate only needs to be produced upon first application.

The documents required above relate to the vehicle you will be trading from. If you are trading from a Static trailer you will need to provide the documents for the vehicle towing the trailer.

Two passport sized photographs will need to be produced upon application. New photos will not be needed upon renewal unless your appearance has changed. Assistants also need to provide photographs and Food Hygiene Certificates if required.

### **DBS Check**

To apply for a Basic Disclosure (DBS) the applicant needs to contact Disclosure and Barring Service on the details shown below. Once the certificate has been received then this will need to be provided to the Licensing Team along with the application. If there are any **relevant** offences on the certificate then the application will be referred to the Principal Licensing Officer.

Any assistants will also need to apply for a Basic Disclosure Certificate.

### **Disclosure and Barring Service**

Website - [www.gov.uk/request-copy-criminal-record](http://www.gov.uk/request-copy-criminal-record)

Telephone number – 03000 200 190

Email – [dbsbasicenquiries@dbs.gov.uk](mailto:dbsbasicenquiries@dbs.gov.uk)

### **Immigration Checks**

Your right to work in the UK will be checked as part of your application, this could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out on the Right to work checklist which can be viewed at [www.gov.uk](http://www.gov.uk) . You must provide the original document(s), such as your passport or biometric residence permit, as indicated in the published guidance, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence/consent will not be issued for any longer than this period.

### **Duration of Licence/Consent**

A Licence will issued for a three-month period. This is then renewed on a quarterly basis.

A Consent will be valid for six or twelve months depending on the fee paid.

### **Renewal**

You will be reminded that your licence is due to expire. This is done out of courtesy as it is your responsibility to ensure that you submit your application prior to the expiry of your licence. You may submit your application up to one month in advance. Failure to do so will result in your licence not being

renewed. It is an offence to trade without a Street Trading Consent, if found guilty of this offence you will be liable to a fine not exceeding £1000.

## **Fees**

### **Ice Cream and Fruit & Veg**

Street Trading Consent – 12 Months - £690

Street Trading Consent – 6 Months - £345

### **Other Traders**

Street Trading Consent – 12 Months - £590

Street Trading Consent – 6 Months - £295

Street Trading Licence – Monday to Saturday - £1195 per quarter

## **Notification of a Change of Address**

The applicant shall give notice in writing to the Council of any change of his/her address during the period of the licence.

## **Convictions**

The applicant shall notify the Council in writing of any conviction, caution, fixed penalty, anti social behaviour order or bind over against him/her immediately after the caution, fixed penalty, anti social behaviour order or bind over has been issued or the conviction and sentence imposed and shall provide such further information as the Council may require.

## **Street Trading Policy**

All applicants should read this policy prior to applying to ensure they are familiar with all the relevant legislation and conditions that relate to a Street Trading Licence/Consent. A licence/consent can be reviewed or revoked by Oldham Council if the applicant regularly fails to comply with the conditions related to their licence/consent.

Included in this policy are the details of the streets that may or may not be used for Street Trading purposes.

## **Street Trading Licences**

There are only three authorised Street Trading Licences allowed to be issued within the Oldham borough at any one time. These are three set pitches located on Market Street in Oldham Town Centre. Please contact the Licensing Department on 0161 770 4730 to check on the availability of these licences prior to application.

No other traders are permitted to trade in Oldham Town Centre **including** those with a Street Trading Consent. Please refer to the map at the end of this booklet for the exact boundaries of Oldham Town Centre.



**Street Trading**  
**Application for Consent to trade in the Oldham Borough**

I the undersigned hereby make an application to Oldham Council for a Consent to trade on the streets of the borough of Oldham and detail the below information required to be submitted for this application.

Is this application:            New             Renewal  STC Number.....

Are you applying for:        Six Month Consent     Twelve Month Consent

1. Name.....

2. Address.....

.....

3. Date of Birth.....

4. Telephone Number.....

5. Business Name.....

6. Owner of Business.....

7. Make & Model of Vehicle (if trailer please state).....

8. Registration Number.....

9. Owner of Vehicle.....

10. Address of premises where vehicle is garaged (if different from above).....

11. Area/Streets in which you wish to trade.....

.....

12. Days and Times that you wish to trade.....

.....

13. Items you wish to sell.....

14. Do you have a Business Waste Contract    Yes/No

If Yes, please state who the Contract is with .....

Please provide details of any employee authorised to assist you in your vehicle in the spaces below;

Name.....Date of Birth.....

Address.....

.....

Telephone Number.....

Please ensure you have the following documents at the time you submit your application. Failure to provide any of these will result on your application being rejected.

- Insurance documents (this must cover any assistants if they drive the vehicle and must include cover for the purpose of Street Trading)
- Public Liability Insurance
- Driving Licence (including assistants)
- Passport sized photograph (including assistants)
- Proof of entitlement to work in the UK
- Food Hygiene Certificate (if handling food)
- Basic Disclosure Certificate (valid for 12 months only) – (for new applications the certificate must be less than 30 days old) (a certificate is also required for assistants)
- Declaration of Previous Convictions
- Copy of M.O.T (if applicable)
- Vehicle Registration Document (if applicable)

### **NOTE**

A Street Trading Consent does **not in any way imply that:-**

- i. Planning approval is granted and you are advised to contact the Planning Department to ascertain if any approvals are required.
- ii. Permission is granted to park on any land, highway, street or other place to trade.

**Information provided on the application form will be published on a Public Register which members of the public can view**

I understand that this is an application for Consent which is to be considered by the Council. I agree to pay the required fee.

### **Fees**

#### **Ice Cream and Fruit & Veg**

Street Trading Consent – 12 Months - £690

Street Trading Consent – 6 Months - £345

#### **Other Traders**

Street Trading Consent – 12 Months - £590

Street Trading Consent – 6 Months - £295

To make a payment please telephone the payments line on 0161 770 6611, select option 2 and quote the following payment code **K36455061D9**.

**SIGNATURE .....**      **DATED .....**

Please return completed form to:

**Licensing Team, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA**





**Oldham**  
Council

## No Trading Zone Map

