

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:

1. trading as a pedlar under the authority of a ‘Pedlars Certificate’
2. anything done in amarket or fair the right to hold which was acquired by virtue of a grant, enactment or order
3. trading in a trunk road ‘picnic area’
4. trading as a news vendor
5. trading at a petrol station
6. 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;

1. the applicant must be over 17 years of age and entitled to work in the UK
2. the application must be submitted to the Licensing Section on the prescribed form
3. a Basic DBS must accompany the application *(see below)*
4. the applicant must submit insurance covering the vehicle for Street Trading
5. the applicant must provide 2 up-to-date passport size photos
6. the application must be accompanied by the relevant fee
7. 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 application form in full.

The address on your application form must match the address on your supporting documents. Where any document contains a differing address, your application will not be accepted.

A full list of supporting documents required to support your application is listed at the end of the application form.

Please Note: Some information provided on the application form will be published on a Public Register which members of the public can view

# DBS Check

You can apply for your Basic Disclosure (DBS) online using the link 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.

The DBS must not be more than 1 month old when your application is made.

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 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. (Please note – during the COVID-19 Pandemic, all documents should be sent via email).

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

You can apply for a 6-month or 12-month consent.

Ice cream traders have the option of a 3-month consent due to the seasonal nature of their work

## Renewal

It is the responsibility of the licence/consent holder to ensure they submit their renewal application prior to the expiry date of their current licence/consent.

The Licensing Authority endeavors to issue renewal reminders, but this is as a courtesy only and should not be relied upon.

You can apply to renew up to 1 month prior to your expiry date. Failure to renew will result in your being unable to trade until such time as a renewal application is granted.

If you are found to be trading without a current licence/consent, you are liable to a fine not exceeding £1000.

# 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 at [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk) 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.

# No Trading Zone

