

Street Trading Presentation to Members

The Legislation

- Local Government (Miscellaneous Provisions) Act 1982
 - Schedule 4 Street Trading

Why Control Street Trading

- Gives powers to control numbers and quality of Street Trading
- To add vitality and choice to town centres
- Regeneration / Economic Development

Designating Streets

To be able to control street trading:

- Adoption of Legislation
- Designation of Streets
 - A Public Notice of intention to pass a resolution placed in a local newspaper
 - Copy to the Police and the Highway Authority

Designating Streets

- 28 days must elapse to allow for objections
- Pass a resolution confirming designations
- Further Public Notice to be published for two consecutive weeks in local newspaper
- First of these public notices must be published within 28 days of the date of the resolution

Definitions

- **Prohibited Street** – a street in which street trading is prohibited
- **Consent Street** - a street in which street trading is prohibited without the consent of the Council
- **Licensed Street** - a street in which street trading is prohibited without a Licence issued by the Council

What is a Street?

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

West Berkshire DC v Paine [2009] EWHC 422 (Admin)

What is Trading?

The selling or exposing or offering for sale of any article (including a living thing) in a street

Exemptions

- Trading as a Pedlar (Licensed by the Police under the Pedlars Act 1871)
- Markets or fairs established by Charter or other Legislation
- Trunk Road picnic areas provided under S.112 Highways Act 1980

Exemptions

- Trading as a news vendor
- Trading as either a petrol station or as an area in a street adjoining a shop and used as part of the shop
- Selling, offering or exposing things as a Roundsman

Exemptions

- Use for trading under Highways Act 1980 of an object or structure placed on or over highway
- Operation of facilities under the Highways Act for refreshment or recreation
- Doing of anything authorised by Regs made under the Police Factories Act 1916

Fees

- The Council may charge such fees as they consider reasonable for the grant or renewal of a consent/licence (S. 9 (1))
- Different fees for different types of licence/consent (S. 9 (2))

Offences

- Engages in street trading in a prohibited street
- Engages in street trading in a consent street without being authorised
- Making a false statement

Enforcement

- Due diligence to avoid commission of the offence
- A person guilty of an offence shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Is it Street Trading?



Big Issue Sellers?

Is it Street Trading?



Busking?



Donkey Rides on the Beach?

Is it Street Trading?

Charity Collectors?



Ice Cream van?

Kempin v Brighton & Hove Council
[2001] EWCH Admin 140



Is it Street Trading?



Milkman on his early Morning round?

Burger van outside a Night club?



Is it Street Trading?



Selling fruit and veg in
the street?

Selling flowers in
the street?



Is it Street Trading?



Car for Sale on the Highway?