

From: licensing <licensing@midsussex.gov.uk>
Sent: 05 August 2025 08:50
Cc: licensing; contactcentre
Subject: Consultation - New Street Trading Policy
Attachments: Appendix 1 - Draft Street Trading Policy.docx; Appendix 2 - Draft new Street Trading Conditions.docx

Caution: This email originated from outside of Hurstpierpoint & Sayers Common Parish Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Morning

Re: Consultation – New Street Trading Policy

Start Date: 5 August 2025

End Date: 29 September 2025

Please see attached a draft copy of the proposed new Mid Sussex District Council Street Trading Policy and conditions for your consultation.

The Policy has been developed to harmonise the approach to street trading and to assist the Licensing Authority, current and potential licence holders, and the public in understanding how the street trading licensing regime will be administered within the District. Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 the Council can manage street trading by designating streets as ‘consent streets’, ‘licence streets’ or ‘prohibited streets’. In 2001 the Council resolved that Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 should apply. Since 2001, there have been changes to the local area but no review of, or changes to street trading designations and the way in which street trading is administered within the District. There is no Policy in place setting out the Council’s approach to street trading or the issue of consents. Given that the current resolutions were passed over 20 years ago, it is an opportune time to review current practice.

Street trading balances the right of an applicant to make an application under the LG(MP) Act 1982 to trade within the District, and to have the application considered on its own merits; against the right of any person to live in the District without being disturbed by the trading activity, and the rights of established businesses to continue trading, creating a vibrant local economy.

The Policy, which is new to the Council, proposes that all streets within Mid Sussex District Council area will be designated as ‘Consent Streets’ and therefore a trader will be required to apply for a consent prior to trading. The new policy aims to have the following benefits:

- Provide protection to existing retail traders, and security to consent holders, as any new trader will have to apply to the Council for permission to trade.
- Consultation process for any new application where local representations will be considered, ensuring any new application meets local needs.
- Traders will be regulated to protect the public across the District for example in terms of waste disposal and food hygiene.

- Higher quality street trading concessions in the right location will enhance the local environment.
- Permits a futureproof, business friendly, demand led approach.
- Opens up areas and remains relevant to reflect redevelopment.
- Gives more regulation on the obstruction of and repair to damage of the highway.

For the purposes of this policy, street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. The term street includes footways, car parks, public house forecourts and generally any area where the public have access without payment.

A final version of the policy will be written taking into account the results of the consultation exercise.

Any comments on the Policy should be received by the Licensing Team no later than 29 September 2024.

Your comments about the new policy can be provided by email to:

licensing@midsussex.gov.uk

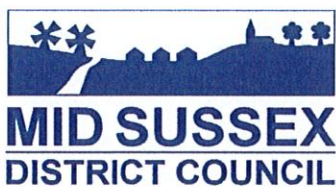
Or by post to:

Licensing Team
Mid Sussex District Council
Oaklands Road
Haywards heath
West Sussex
RH16 1SS

All responses will be acknowledged but will not receive an individual reply.

Regards,
Licensing Team
Mid Sussex District Council
Environmental Health
Tel: +44 (0)1444 477419
Email: licensing@midsussex.gov.uk

www.midsussex.gov.uk



‘Working together for a better Mid Sussex’

The information contained in this email may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained in this email is legally exempt from

Mid Sussex District Council

Street Trading Consent Policy

DRAFT

January 2026

Contents

1. Aims and Objectives of the Policy
2. What is Street Trading?
3. Types of Restrictions
4. What is a Consent Street
5. Street Trading in Mid Sussex
6. Right of Appeal
7. Street trading consent considerations
8. Street trading and the Licensing Act 2003
9. Duration of Street Trading Consents and Fees
10. Access to information held by the Council
11. Street trading consent applications
12. Consultation on applications
13. Street trading consent renewals
14. Street trading consent transfers
15. How applications will be determined
16. Refusal to issue a street trading consent
17. Reasonable use of the site
18. Multiple applicants for the same area
19. Temporary closure of a site
20. Street trading consent conditions
21. Complaints
22. Policy Review period

Appendix 1 - Street trading consent standard conditions

SECTION 1: AIMS AND OBJECTIVES OF THE POLICY

1.0 Introduction

1.1 Mid Sussex District Council's (the Council) statement of main purpose is: -

'Working together for a Better Mid Sussex'

The Council's Environmental Health Service Team has an essential role to play in achieving this aim, as its Licensing services seek to secure healthier and safer places for people to work and live. The Environmental Health Service key objective is to: -

'Proactively promote and enforce good environmental health, housing and licensing standards, in order to maximise the quality of life for those living in, working in, and visiting Mid Sussex'.

1.2 Purpose and scope of this policy

1.3 Through this policy the Council aims to regulate the location of street traders and aims to prevent the obstruction of the streets within Mid Sussex District Council area by street trading activities. In doing so, it recognises the importance of consented businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.

1.4 This policy will guide the Council when it considers applications for street trading consents. It will also inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.

1.5 This policy will be applicable for any new street trading application made after the date of this policy. For current consent holders, this policy will be applicable from the date of renewal.

2 What is street trading?

2.1 For the purposes of this policy, street trading is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street. The term street includes footways, car parks, public house forecourts and generally any area where the public have access without payment.

2.2 Street trading includes, but is not limited to:

- i. trading from mobile and temporary static structures
- ii. the sale of food and drink or the sale of non-food items
- iii. ice-cream vans
- iv. mobile artists and musicians who sell their recorded work on the street
- v. the sale of Christmas trees and other festive items

2.3 Street trading does not include:

- i. a person acting under the authority of a pedlar's certificate

- ii. anything done in a market or fair, the right to hold which having been obtained by a grant, enactment or order
 - ii. trade carried out by a roundsmen e.g. milkmen
 - iii. trading in a trunk road picnic area
 - iv. trading as a news vendor (where the only articles sold or exposed or offered for sale are newspapers or periodicals)
 - v. trading which—
 - is carried on at a premises used as a petrol filling station: or
 - is carried on at a premises used as a shop or in a street adjoining premises so used and as part of the business of the shop (such businesses must not obstruct the highway)
 - vi. selling things, or offering or exposing them for sale, as a roundsman
- 2.4 Further details on the excluded activities mentioned in paragraph 2.3 can be found in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.5 For the purposes of this policy and administering street trading consents within Mid Sussex:
- a) static street traders are those who trade from a fixed location such as a layby or area of land and would include stalls or food vans.
 - b) peripatetic street traders are those who remain in location for a limited duration, usually to carry out a transaction, before moving on to another location and would include ice-cream vans.

3.0 **Types of Restrictions**

- 3.1 There are three types of restrictions in the legislation and they are as follows:

Licensed street

Where street trading is prohibited without a licence granted by the District Council.

The only street currently designated as a Licensed street is Railway Approach, East Grinstead

Prohibited street

Street trading is prohibited in these streets.

Prohibited streets currently are:

Haywards Heath:

- Wivelsfield Road

East Grinstead:

- Station Road

Burgess Hill:

- London Road

- Civic Way
- Queen Elizabeth Avenue

Poynings:

- Land to North and East of the Devils Dyke Inn, Dyke Road

Other:

- Lay-by on A264 Copthorne Way, Copthorne, running West to East

Consent street

Where street trading is prohibited without the consent of the District Council.

4.0 What is a consent street?

- 4.1 For the purposes of this policy, a street is any road, footway or other area to which the public have access without payment.
- 4.2 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.
- 4.3 Street trading consent is therefore required in a number of places other than on a public highway or public land. Within Mid Sussex street trading consent would be needed in the following locations:
 - a) roads and walkways
 - b) lay-bys and verges
 - c) footpaths
 - d) car-parks (both public and private)
 - e) residential streets
 - f) industrial estates
 - g) land accessible to the public within 10 metres of any of the above.
- 4.4 A consent street does not include land to which the public have to pay to access it, such as a music festival where there is an admittance fee or where access is restricted to a particular group of people, such as land within the grounds of a football stadium during a football match.
- 4.5 Street trading in East Grinstead in London Road and High Street are areas administered by East Grinstead Town Council.
- 4.6 If the street is a designated 'consent street' then street trading without consent is a criminal offence.

- 4.7 It is proposed that all streets within the Mid Sussex District Council area, other than the current Prohibited Streets and areas separately administered by Town Councils, be designated as consent streets.

5.0 Street Trading in Mid Sussex

- 5.1 All streets as defined in Section 4.3 above in Mid Sussex have been designated as consent streets namely, streets where consents are required in order to trade. Consents are granted by Mid Sussex District Council and are subject to conditions and the payment of a fee.
- 5.2 It is illegal to trade in a consent street without first obtaining street trading consent from the Council.
- 5.3 In addition to the exempt activities listed in paragraph 2.3 above, Mid Sussex Council will not require street trading consent to be sought for the following activities:
- a) fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events and non-commercial, community or charitable events where the profits are not used for private gain or are wholly passed to a charity and where the event has been notified to the Council's Safety Advisory Group
 - b) sales of articles by householders on land within the curtilage of their property, for example garage sales
 - c) goods from working farms or smallholdings sold at the premises where they were produced
 - d) trading in shopping centres, for example The Orchards in Haywards Heath and The Market Place in Burgess Hill
 - e) handing out promotional literature for goods, services or venues.

6.0 Right of Appeal

- 6.1 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure which is available via our website www.midsussex.gov.uk.
- 6.2 Street trading consent can be granted for up to 12 months and can be revoked at any time by the Licensing Team. When the Council grants or renews consent for street trading, the Council may attach any reasonable condition. Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

7.0 Street Trading Consent Considerations

7.1 In considering applications for the grant or renewal of a street trading consent the following factors will be considered:

a) Public safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. This would include the consideration of factors such as interference with sight lines for road users and access to pedestrian crossings.

b) Public order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.

c) Prevention of public nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) Appearance of the stall or vehicle

The stall or vehicle must be of smart appearance, clean and maintained in a sound condition.

e) Environmental impact

Static street traders who require their vehicle engines to be running or the use of petrol or diesel generators in order to operate will not be allowed to trade within any of the Council's declared Air Quality Management Areas.

f) Highway safety

There must not be any dangers to those who have a right to use the highway and no obstruction for emergency access. Street trading consent holders are not allowed to drive vehicles on a footpath to access the site.

g) Lay-by Safety

Some lay-bys within the district are deemed to be unsuitable sites due to safety grounds, namely, those where there is no segregation between the lay-by and the live carriageway.

h) Proximity to schools and colleges

Street trading by businesses supplying hot or cold food or confectionary between 07:30-hrs and 18:00-hrs will not be permitted for locations within 100 metres of the boundary of a school, college or other educational establishment.

i) Trading hours

In town centres street trading hours will normally mirror those of shops or restaurants in the immediate vicinity. However, the council will consider each application on its merits before agreeing permitted trading times. The council retains the right to specify permitted trading hours that are less than those applied for.

j) Suitability of the applicant

When determining an application for the grant or renewal of a street trading consent the council will consider all relevant information relating to the suitability of the applicant to hold such a permission including:

- a. relevant complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a street trading consent into account.
- b. any refusal or neglect in paying fees due to the council for a street trading consent or for any other charges due for services rendered by the council to the applicant in his capacity as the holder of a street trading consent. Examples of such services include collection of refuse and cleansing of streets.
- c. previous failures of the applicant, without reasonable excuse, to make use, to a reasonable extent, of a previous street trading consent.
- d. any relevant information brought to the Council's attention by one of the consultees such as previously selling counterfeit, or any prohibited goods mentioned below.

k) Prohibited goods

Street trading consent will not be granted for the sale of the following items:

- a. alcohol except for consumption with a sit down meal at the premises (see Section 8.0 below)
- b. firearms and replica firearms
- c. knives
- d. weapons and replica weapons
- e. tobacco products
- f. fireworks
- g. articles that would typically be sold in sex shops
- h. animals
- i. Training of food traders

Businesses trading in hot or cold food must ensure all food handlers hold at least a Foundation Certificate in Food Safety accredited by the Chartered Institute of Environmental Health, or the Royal Society of Health, or the Royal Institute of Public Health and Hygiene (or equivalent). The certificate must be no more than three years old.

m) Food hygiene rating

Businesses trading in hot or cold food must have a rating of four or more under the Food Standards Agency's Food Hygiene Rating Scheme. New businesses will be given a one-month leeway period to achieve the necessary rating.

n) Sanitary accommodation

Consent holders and their employees must have access to suitable and sufficient sanitary accommodation at all trading times.

o) Waste Disposal

Consent holders must have in place suitable arrangements for the disposal of waste generated by their business. It is the responsibility of each trader to ensure that all refuse generated by or collected upon their pitch is taken away with them or disposed of by suitable waste provision arranged by the trader themselves.

- 7.2 In addition to the considerations listed in paragraph 7.1 above, nothing in this policy or in any street trading consent that has been issued shall relieve the consent holder, or any person employed by them, of any obligation to comply with all other legislation, whether national or local. It is the obligation of the consent holder to familiarise themselves and their employees with this legislation. The Council may revoke a street trading consent for any failure to comply with national or local legislation.
- 7.3 The Council is unable to refuse a street trading consent application on the grounds that it feels there were enough shops or street traders in the area already selling similar products.
- 7.4 The Council cannot issue a street trading consent to a trader for locations and times when a market is operating. Traders wishing to trade within a market should contact the market organiser to discuss trading.
- 7.5 If there were to be multiple applications for a consent where the numbers granted would be limited, the applications will be assessed against the policy criteria and no advantage would be given to a previously authorised trader.

8.0 Street trading and the Licensing Act 2003

- 8.1 Street traders that either serve hot food or drink at any time between 23:00-hrs and 05:00-hrs the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 8.2 It is the responsibility of the business operator to ensure they have a Premises Licence where it is needed. Details of the licensing process under the Licensing Act 2003 can be found on the Council's website.
- 8.3 A trader will not be allowed to trade if a Premises Licence is needed but not been issued.

9.0 Duration of street trading consents and fees.

- 9.1 Street trading consents can be issued for the following durations:

Daily

2/3 day event

Weekly

Monthly

Annually

- 9.2 Fees will be set and reviewed annually as part of the Council's fees and charges setting process.
- 9.3 Should the consent holder wish to vary the Consent at any time during the life of the consent, an administration fee will be charged.
- 9.4 Registered charities wishing to apply for a Street Trading Consent will receive a 50% discount on the occasional or annual fee.
- 9.5 Details of the current fees and charges can be found on the Council's website. Details of the fee structure for this new policy can be found in Appendix 2 below.

10.0 Access to information held by the Council

- 10.1 All non-personal information provided as part of the street trading consent process is subject to disclosure by the Council under the Freedom of Information Regulations and the Openness of Local Government Bodies Regulations. These regulations place a duty on the Council to disclose this information; it is not a discretionary power.
- 10.2 To aid the disclosure requirements mentioned in paragraph 10.1 above, the Council will maintain a register of granted street trading consents on its website which will be updated regularly. This will include the name of the business, location of trading and the expiry date of the consent.

11.0 Street trading consent applications

- 11.1 Each static street trading consent application can only relate to one site. Therefore, if a trader wishes to trade from different sites at different times, they must apply for each one separately other than applications for peripatetic street traders.
- 11.2 Each application is subject to fees and charges set out on the Council's website.
- 11.3 A consent will not be granted to any person under the age of 17.
- 11.4 All street trading consent applications and renewal applications must be made in writing and consist of:
 - a) Full name and address of the applicant.
 - a) a map showing all streets and other public areas within a radius of 200 metres from the proposed location of the street trading site, where the trader is static. Maps are not required for peripatetic traders such as ice-cream vans. The map shall be to a scale of 1:2000 and clearly indicate the location of the site in the centre of the map, and the locations of other street traders and outlets trading in the proposed area.
 - b) a letter, where trading is proposed on private land, from the landowner confirming that the applicant has permission to trade from the site. This may be subject to additional fees and charges imposed and collected by the landowner.

- c) a passport-style photograph of the applicant.
 - d) proof of eligibility to work in the UK.
 - e) four colour photographs of the trading unit illustrating the different elevations of the unit.
 - f) evidence that both applicant and assistants have completed the required food hygiene qualification (for food related applications – see paragraph 6.1 above).
 - g) evidence of having a suitable method for waste disposal where applicable.
 - h) Days and times that the applicant wishes to trade.
 - i) Nature of the goods to be sold.
- 11.5 Street trading consent applications must be accompanied by the correct fee before the application will be processed.
- 11.6 Street trading cannot start before the street trading consent has been issued. Trading without consent is illegal and would be subject to enforcement action. All enforcement action will be in line with the Council's published Enforcement Policy which is available on the Council's website.
- 11.7 Either at the time of the application, or once the application has been approved and prior to it being issued, the applicant must provide the Council with the following:
- a) An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million
 - b) A current MOT certificate and insurance documents where a motorised vehicle will be used for street trading
- 11.8 Where appropriate the vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any issuing any Street Trading Consent.
- 11.9 If there were multiple applications for a consent where numbers granted will be limited due to the location, the applications will be assessed against the policy criteria and that no advantage would be given to a previously authorised applicant.

12.0 Consultation on applications

- 12.1 The Council will carry out a consultation process for all street trading consent applications with relevant interested persons and organisations before a street trading application is considered. These include:
- a) Mid Sussex District Council's internal teams:
 - i. Environmental Health
 - ii. Parking
 - iii. Food Safety Team

- b) Sussex Police
 - c) West Sussex County Council Highways
 - d) the appropriate Town or Parish Council
 - e) the appropriate District Council Ward Councillor(s)
 - f) any other consultee that officers consider appropriate.
- 12.2 Consultees will be provided with a copy of the traders application form to allow them to make an informed decision.
- 12.3 Consultees will be asked to respond in writing (preferably email) within twenty-one days. Observations, recommendations or objections received as a result of the consultation will be taken into consideration when the application is determined. Any objections must be linked to the street trading consent considerations listed in section 7.0 above.
- 12.4 Affected local residents or businesses are able to make representations through their Town or Parish Council or their local District Council Ward Councillor.
- 12.5 Officers will assess the reasonableness and appropriateness of all objections before they are taken into consideration.

13.0 Street trading consent renewals

- 13.1 Existing consent holders should submit their application, if they wish to have continuity of trading, at least six-weeks before the expiry of their current consent. At this time, the Council will consult, as detailed above, to determine if the street trader is a cause for concern or has been the subject of complaints.
- 13.2 If a renewal application is not made at least six-weeks before the expiry of the current licence, the Council will not have sufficient time to process the application before the current consent expires. Where this occurs, the trader will have to stop trading when the current consent expires and will not be allowed to trade until the new consent is issued.
- 13.3 An application to renew an existing street trading consent will not be determined until all fees have been paid and documentation provided to the Council, which will result in the applicant not being permitted to engage in street trading once the previous consent has expired.

14.0 Street trading consent transfers

- 14.1 A street trading consent cannot be transferred or sold to another person except to a member of the consent holder's immediate family in the event of the consent holder's death or incapacity.
- 14.2 All transfers are subject to a fee payment.
- 14.3 The sub-letting of a pitch or consent location is prohibited and will result in revocation of the consent.

15.0 How applications will be determined

- 15.1 All applications will be determined by an officer of the Licensing Team.
- 15.2 The officer will evaluate applications against the criteria set out in this policy and then consider all reasonable and appropriate objections. Reasonable and appropriate objections are those that relate to the criteria set out in Section 7.0 above.
- 15.3 The officer will approve the application if it:
- a) meets the criteria set out in this policy, and
 - b) there are no reasonable and appropriate objections.
- 15.4 If the application:
- a) does not meet the criteria in this policy, or
 - b) there are reasonable and appropriate objections
- the authorised officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. The authorised officer, applicant and objectors may discuss:
- a) changes that could be made to the proposed location, goods or trading hours and
 - b) additional conditions that could be introduced to mitigate any concerns.
- 15.5 If the applicant refuses the offer of a meeting, they will either introduce additional conditions or refuse the application.
- 15.6 If the objections and failure to meet the criteria in this policy can be resolved by changing the application and/or introducing additional conditions the officer will approve the application.
- 15.7 If the objections and failure to meet criteria in this policy cannot be resolved by making changes to the application or introducing additional conditions the officer will refuse the application.

16.0 Refusal to issue a street trading consent

- 16.1 Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.
- 16.2 There is no statutory right of appeal against refusal to issue a street trading consent however applicants who feel that their application has been dealt with unfairly are able to complain through the Council's corporate complaints procedure
- 16.3 Trading will not be permitted during the appeal period when an application has been refused and can only take place within the conditions of any street trading consent that has already been granted where the appeal relates to conditions that have been imposed.

17.0 Reasonable use of the site

- 17.1 The geography of Mid Sussex means there are limited locations for static street traders to trade. Therefore, to ensure fairness to other potential traders, static street traders are expected to make reasonable use of the site to which their consent applies. Failure to do so is grounds for the Council to withdraw or amend the consent.
- 17.2 Reasonableness will be determined on a case-by-case basis. However, generally the consent trader will be expected to trade within the terms of their consent unless they are on holiday or unwell.
- 17.3 Where a consent holder is not able to trade for a period greater than two- weeks, then the consent holder must notify the Council as to the reasons for this.

18.0 Multiple applicants for the same area

- 18.1 Multiple street trading consents may be granted to different applicants for the same static site provided different trading days/times are applied for. At any one time only one consent holder will be permitted to trade on a site.
- 18.2 For peripatetic traders such as ice-cream vans, the Council will not limit the number of traders in a town or village for the reasons set out in paragraph 7.

19.0 Temporary closure of a site

- 19.1 The consent holder will vacate the pitch upon request, and for as long as necessary, to enable highway inspections, repairs, street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements.
- 19.2 No compensation will be paid to the consent holder for lost trading days by Mid Sussex District Council as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.

20.0 Street trading consent conditions

- 20.1 All street trading consents will be subject to standard conditions which are set out in Appendix 1 of this policy.
- 20.2 Where it is felt reasonably necessary the officer determining the application may add additional conditions to the street trading consent if they are needed to support the street trading consent considerations in Section 7.0 above.

21.0 Complaints

- 21.1 Legitimate complaints regarding street trading will be fully investigated and consent holders shall be expected to liaise with the Council to resolve them. Substantiated complaints may result in a consent being revoked.

- 21.2 Complaints may also be taken into account when considering an application to renew a street trading consent.

22.0 Review

- 22.1 This policy will be reviewed every five years, but a review can be triggered by a change in legislation or other relevant factors.

DRAFT

Street Trader's Consent

Conditions attached to Consent No. XX

Standard Conditions for Street Trading – individual consents

Definitions:

Street Trading the selling or exposing or offering for sale any article (including a living thing) in a street.

Street 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.

'Consent Holder' means a Street Trader who has been granted a Consent by Mid Sussex District Council to trade on the street.

'Consent' means a Consent granted by Mid Sussex District Council in respect of street trading.

'Employee' means a person working for a Street Trading Consent Holder.

'Authorised Officer' or 'Licensing Officer' an Officer employed by Mid Sussex District Council and authorised in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982

'Serious Misconduct' Includes, but is not limited to any of the following:

- Sexist, racist, foul or abusive language
- Acts of dishonesty
- Acts of indecency
- Any act causing or likely to be dangerous or cause personal injury to a person

General Conditions

1. A copy of the consent must be displayed prominently on the unit or stall at the street trading site and the trader or his employees shall produce it whenever required by an authorised Council Officer or Police Officer.
2. The consent holder shall not trade outside the time and days permitted by the consent and trading shall only take place from the agreed specified trading unit or stall at the specified pitch.
3. The consent holder shall trade in compliance with the consent and must not digress e.g., affixing barriers or advertising etc. that has not been specified in the consent.
4. All signs placed on display in connection with the units must not contain inappropriate words, language or pictures in any form which may cause offence to members of the public or other stall holders.
5. The consent holder will comply with all legislation, regulations or bye laws made and for the time being in force.
6. The consent holder and their employees shall comply with all statutory requirements and statutory instruments including without limitation the Control of Substances Hazardous to

Health Regulations 2002 and the Health and Safety at Work, etc. Act 1974 in relation to the sale of goods or provision of services from their unit.

7. The goods, articles or products, the sale of which is authorised by this consent, are strictly limited to those specified, unless written approval to amend has been given by Mid Sussex District Council.

8. The trading unit or stall must be of the size and design approved by the Council and/or specified in the consent. Written approval to change the specified sales unit must be obtained from Mid Sussex District Council.

9. The consent holder shall not at any time lend, or purport to transfer or assign this licence to, or permit it to be used, by any other person except that they may employ any other approved person to assist them in trading without a further consent being required. Mid Sussex District Council must be notified of all employees/persons authorised to assist prior to them working.

10. The consent holder may employ another person to 'assist' with trading but shall be expected to be in attendance at the site regularly in order to remain in control of trading for the majority of trading hours.

11. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder. Employees must be aged 17 or over (18 or over if alcohol is to be sold).

12. All consent holders shall ensure that all their employees comply fully with the Conditions as disciplinary action may be taken against any consent holder or their employees for any breaches of the Conditions. Consent holders are under a duty to bring the Conditions to the attention of their employees.

13. The consent may be revoked by the council at any time for non-compliance with conditions or any other reasonable cause or surrendered by the consent holder at any time.

14. Nothing in these conditions shall excuse the consent holder from any legal duty or liability and the consent holder shall indemnify the council in respect of all claims, actions or demands arising from the consent except where due to the Council's own negligence.

15. The consent holder shall always maintain a valid third-party public liability insurance policy to the value of £5,000,000 and shall produce a valid certificate of insurance at any time.

16. The consent holder and any employees must notify the Council in writing within two working days of any change of address, any changes, police investigations and/or convictions or cautions which arise during the terms of the consent. The Council reserves the right to suspend a consent with immediate effect pending a review of the consent by the Licensing Department should any criminal matter serious enough that there are concerns for public safety.

17. The fees for the consent must be paid on or before the due date for payment as specified by the Council and by one of the methods stipulated by the Council.

18. Should the trader wish to surrender their consent, they must do so formally in writing, returning their consent.

19. Notwithstanding the details of a consent, when a pitch becomes temporarily unsuitable for any reason, the consent holder will agree to relocate to an alternative street trading pitch for the period of the temporary restriction.

20. Restricted goods as listed in the Street Trading Policy may not be sold.

21. There must be a minimum of 2 metres of unobstructed footway to allow passing space.

General Conduct

22. The consent holder must not sell or leave any articles/goods outside of the agreed trading dimensions of the trading unit.

23. The consent holder shall not trade in such a way that is likely to cause obstruction of any part of any street or public place.

24. The consent holder shall not trade in such a way that is likely to cause an injury to any person using the street or place.

25. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or place.

26. The consent holder shall not trade in such a way that is likely to cause a nuisance or annoyance to persons using the street or public place, or to occupiers of premises in the vicinity.

27. The consent holder shall be clean in his person and shall not exhibit insobriety, incivility, improper language or other misconduct.

28. Serious misconduct will result in an immediate suspension of the consent to enable a review to take place by the Licensing Team potentially leading to revocation.

29. If requested to move for any reason the consent holder shall comply the reasonable instructions of any authorised Mid Sussex District Council Licensing Officer or Sussex Police Officer.

30. Traders are not permitted to purchase goods from the public whilst operating under a street trading consent or occupying a pitch.

Protection of Young People

31. Street trading will not normally be authorised within 100 metres of any entrance or exit to a school or nursery. (The distance from the entrance to a school or nursery may be extended where issues of public safety are raised during the consultation of the application).

32. No child aged 16 or below shall be engaged in or employed to undertake any street trading under a consent issued by the Council.

33. If alcohol is sold at a pitch, no employee may be under the age of 18.

Trading Unit Compliance

34. Any vehicle/unit/trailer used by the consent holder in the course of trading shall be constructed and maintained to the satisfaction of the Council and as stipulated by the

consent and design brief. A high standard of presentation and appearance will be expected to be maintained.

35. Any replacement or new units or stalls must be approved by the Council prior to being purchased.

36. The trading unit will comply in all respects with any legal requirements relating to the activity proposed.

37. The trading unit shall be of a high-quality design, with robust construction and materials that the daily removal will not result in the rapid deterioration in appearance of the unit.

38. The quality and appearance of the trading unit must be maintained at the standard approved in the original consent.

39. The trading unit will be of a mobile type and must be removed daily after trading has ceased unless previously authorised by a Licensing Officer. It must not cause damage to the street or endanger persons using the street. Stalls must be removed at the end of each day.

Health & Safety

40. The use and storage of LPG will comply with the requirements of the Health and Safety at Work etc. Act 1974 and any Fire Authority requirements.

41. Where any LPG or electricity is used then suitable fire extinguishers must be provided and maintained in a satisfactory condition.

42. The consent holder will not be permitted to erect additional awnings, tents or other structures at the site without permission.

43. The consent holder shall be responsible for any damage to the highway resulting from the trading activity.

44. The consent holder shall not keep or store explosive materials and inflammable liquids on their trading units, other than gas cylinders in compliance with current legislation.

45. The consent holder shall comply with all Traffic Regulation Orders and ensure that vehicles used in respect of their stalls are moved from the trading site immediately they are unloaded or at the request of any authorised Officer.

Advertisements / Signage

46. Advertisements must not be placed outside the perimeter of the trading site or affixed to any street furniture - e.g. lamp posts, road signs, fences, bollards.

47. Advertising should only relate to goods offered for sale on that pitch.

48. Illumination of advertisements on the outside of the unit not permitted.

49. The use of 'A' boards and any other display board/structures are prohibited unless authorised in advance by the Licensing Officer.

Waste Management

51. The consent holder shall provide and maintain adequate refuse receptacles for litter and shall remove all litter in the trading vicinity; suitable arrangements must be in place for the disposal of commercial waste.

51. The consent holder must prevent the deposit in any street of solid or liquid refuse and shall not discharge any water (except as may be necessary for cleansing) to the street surface or to the surface water drains. The surrounding area shall be kept clean and tidy including the necessary washing of street surfaces.

Additional Requirements for Food Operations

52. The consent holder must maintain a Food Hygiene Rating Scheme score of 4 or above. The hygiene rating must be displayed prominently on the stall, trailer, or vehicle.

PLEASE NOTE:

Failure to comply with these conditions may result in enforcement action, namely the suspension or revocation of the consent, or the refusal of a renewal application.

The Council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet circumstances.

This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading. Fees remain payable until such a time as the Consent or surrendered, revoked or lapses.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e. for each day of trading without consent.

N.B. This consent is issued without prejudice to any other statute, bye-law or regulation, i.e. this consent does NOT over-ride any regulations regarding parking, food hygiene, obstruction, etc.

Licensing Team
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS