

Application for consent to selling, offering or exposing for sale any article in streets etc.

PLEASE READ CAREFULLY THE NOTES FOR GUIDANCE AND COMPLETE ALL PARTS OF THIS FORM

I hereby apply for the consent of the Brighton and Hove City Council under Section 3 and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, to sell, offer or expose for sale the articles stated below in accordance with the following particulars:-

PLEASE PRINT YOUR ANSWERS

Full Name of Applicant:			
Date of Birth:		Place of Birth:	
Phone:			
Email:			
Applicant's home address and post code:			
Address for correspondence: (if different from above)			
Trading Name:			
Full details of articles proposed to be sold:			
Will sales of the above goods be your principal source of income?			
Provisions for litter disposal (if applicable):			
Provisions for hand washing (if applicable):			
How items will be sold: (Please give details including size of any receptacles or vehicle to be used i.e. hand barrow, basket, kiosk, stall, mobile stall, van)			
Registration No. of trading vehicle (if applicable):			
Fuel type: (LPG storage and use – if applicable, please give details including quantities and description of LPG bottle housing on vehicle)			

Address where vehicle will be kept overnight (if applicable):	
Zone/Location* where it is desired to trade:	
Proposed times of trading: (i.e times of day, days per week, months of the year)	

***Location**

If you are applying for consent to trade anywhere other than the approved sites in Zone "A" listed in the notes for guidance, please give below any special grounds which you feel justify a departure from the Licensing Committee/Licensing Panel as stated in that paragraph:

(Please note that the Police and the Highway Authority may object to your application on grounds of road safety and obstruction to the vehicular and pedestrian highway (including the obstruction of sight-lines at junctions). Any site that is approved will be offered to persons on the waiting list first.)

Checklist:

Please tick to indicate agreement

- I understand that my Permit will not be issued until payment has been made ☐
- I have enclosed current insurance documents ☐
- I have enclosed a photo ☐
- I have completed the Disclosure of Convictions and Declaration ☐
- I confirm that I have read and will comply with the standard conditions (ref. A-N) of the attached Street Trading Policy (or you can read this Policy on our website: [Street trading - guidance and policy \(brighton-hove.gov.uk\)](http://brighton-hove.gov.uk)) ☐
- I understand that if I do not comply with the above requirements my application will be rejected and, if a permit is granted, enforcement action may be taken if I do not comply with the standard conditions (ref. A-N) of the street trading policy. ☐

Declaration

The information contained in this form is correct to the best of my knowledge and belief.

I understand that if I knowingly or recklessly make any false statement in connection with this application, my application could be refused and/or my permit revoked.

SIGNATURE		DATE	
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Disclosure of Convictions and Declaration

Before completing this form please read the guidelines at the end of the form. If you are completing this form by hand please write legibly in block capitals. Use additional sheets if necessary.

Have you been convicted of any offence or foreign offence?	Yes ☐	No ☐
If you have been convicted of any offences you must provide details for each conviction the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		
If you have been convicted of any foreign offences you must provide details for each conviction the date of conviction, the name and location of the convicting court, offence of which you were convicted and the sentence imposed:		

Declaration			
The information contained in this form is correct to the best of my knowledge and belief.			
I understand that if I knowingly or recklessly make any false statement in connection with this application, my application could be refused and/or my permit revoked.			
SIGNATURE		DATE	

PLEASE SUBMIT THIS COMPLETED FORM TO:

ehl.licensing@brighton-hove.gov.uk

or

**Licensing
Brighton and Hove City Council
Bartholomew House
Bartholomew Square
Brighton BN1 1JP**

GUIDELINES ON THE RELEVANCE OF CONVICTIONS

General Principles:

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from registration but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted:

Offences involving violence

- It is imperative that applicants with convictions for offences involving violence are considered carefully. When applicants have convictions for causing grievous bodily harm, wounding or assault, or even more serious offences involving violence, at least five years should elapse before an application is considered.

Drug- related offences

- An isolated conviction for a drug offence, whether for unlawful possession only or involving the supply of controlled drugs, need not necessarily debar a candidate from registration, provided the applicant has at least three years free of convictions or five years since detoxification if he/she was an addict.

Indecency offences

- Applicants with recent indecency offences would normally be debarred.

Dishonesty

- Convictions for isolated minor offences should not debar an applicant, but in cases involving serious theft or fraud at least three years should elapse before an application is considered. When offences of dishonesty have been accompanied by violence, it is suggested that at least five years should elapse before registration.

DATA PROTECTION DECLARATION

The Information you have provided will be used for Health, Safety and Licensing purposes, but it may be used for other Council's purposes, where this is permitted by the law. The Council is registered under the Data Protection Act 1998 for these purposes.

This Authority is under a duty to protect the public funds it administers. We may check information that you provide, or information provided by a third party, with other information we hold, to check the accuracy of information; to prevent or detect crime; and to protect public funds in other ways as permitted by law. We may also share this information with other public bodies administering public funds for these purposes. We will not disclose information about you to anyone, unless the law permits us to.

The Council is The Data Controller for the purposes of the Data Protection Act 1998. If you want to know more about the information we have about you, or the way we use your information, please write to the Council's Data Protection Officer, Kings House, Grand Avenue, Hove.

Street Trading – Notes for Guidance

- Traders who have permission to trade from private land need not apply for street trading consent.
- If food is to be sold, all applicants must register their business with the Council's Food Safety Team. This also includes traders on private land.
- Persons wishing to trade south of Kingsway along the Seafront must apply to the Seafront Office. Applicants wishing to trade in the Parks in the Brighton and Hove area should contact the Events Team.
- Street trading consents normally last for 12 months, and will expire at the end of each trading year (31st March). Consents can be renewed, subject to the correct documentation and fee being submitted, and subject to consent from the Police.
- Street Trading Consents can be paid for in full or by quarterly payments. If consent is granted mid quarter, a pro rata fee will be calculated for the remainder of the quarter, and normal quarterly payments can resume thereafter.
- Trading is only allowed at the following sites:-

Zone A Static Sites

Clarence Square (50 sq ft)
Crown Street (42 sq ft)
Dean Street (42 sq ft)

Marlborough Street (50 sq ft)
Castle Street (50 sq ft)

Zone B Mobile Street Trading

Trading from Mobile Stalls is not permitted in the town centre but consent can be given for Mobile Street Trading in the outskirts of Brighton & Hove (Zone B). See separate map for further information.

- If all pitches within Zone A are occupied, applicants can join a waiting list by submitting an application form. They will be notified once a pitch becomes available. It is the applicant's responsibility to ensure contact details are kept up to date.
- Articles to be sold by the trader must be clearly detailed on the application form. Words such as 'miscellaneous' and 'brick-a-brack' etc will not be accepted.
- New applications should be made by submitting an application form only. Prospective traders will be vetted by the Police and if approval is given, further documents and payment will be requested. Further documents include a passport sized photograph and up to date public liability insurance certificate. Consents cannot be issued without submission of these documents, and consents will only be issued once payment is made.
- When requested, public liability insurance must be at least 3rd party cover, and must be in the Applicant's name.
- Mobile street traders may only operate one vehicle under one consent. Any additional vehicles must be registered under a separate consent.
- Traders are required to also read the Street Trading Policy & Local Government (Miscellaneous Provisions) Act 1982: Standard Conditions for Street Trading. Please see separate documentation.

STREET TRADING POLICY

Consent Street	Purpose
Zone A	
City Centre Static consent sites (Dean Street, Marlborough Street, Castle Street, Crown Street, Western Road, Clarence Square)	General trading
Upper Gardner Street	Saturday market
Dukes Street, Market Street	Hot chestnut and other traditional Christmas trading activity
East Street, Dukes Street, Market Street, George Street Hove	Street artists who produce portraits on the street
George Street Hove, Black Lion Street, New Road Jubilee Street	Occasional markets including ethnic, farmers and crafts etc.
Zone B	
Area outside city centre	Mobile and static traders, both as regular occupation and community events and markets

Streets south of Vale Road, Portslade, along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road and streets within 1 mile radius from the new Falmer Community Stadium shall be prohibited streets with the exception of Kingsway, Kings Road and Seafront, Castle Street, Clarence Square, Crown Street, Dean Street, Marlborough Street, Western Road, Upper Gardner Street, Bartholomew Square, George Street Hove, New Road, Black Lion Street, Jubilee Street, East Street, Duke Street, and Market Street which shall be designated consent streets, and the Council's Parks and Gardens which shall be undesignated.

Streets North of Vale Road Portslade and along Portland Road, Sackville Road, Church Road, Western Road, Montpelier Road, Chatham Place, Viaduct Street, Upper Lewes Road, then southwards down Lewes Road, Albion Street and Grand Parade before heading East along Edward Street, Eastern Road and finishing in Arundel Road shall be consent streets, except that the Council's Parks and Gardens will be undesignated.

Clarification

Times of trading:

Upper Gardner Street	7am – 5pm
City Centre	8am – 6pm
Zone B	8am – 6pm (there may be special dispensation to depart from these times upon application in individual cases).

- A waiting list will be administered where sites or types of street trading are oversubscribed.
- There will be no transfer of consents, no joint consents, preference will be given to local residents and consents will be issued not exceeding 12 months.
- Consent holders shall be fit and proper, the activity will cause no danger, obstruction, nuisance, or annoyance to people in the vicinity and will leave 2m unobstructed footway.
- Preference will be given to existing traders at existing sites at renewal.
- Traders will ensure suitable refuse storage and remove refuse at the end of trading
- Traders will wear identity badges issued by the Council or have a paper copy of the badge at all times of trading.
- Traders will take reasonable fire safety measures.
- Consent will only be issued following receipt of appropriate fee. Fees shall be payable annually or quarterly.
- If the site is temporarily unavailable, it will be relocated to a nearby site or suspended and a proportion of the fee refunded.
- Council's Parks and Gardens are not designated areas for street trading purposes and it is not permitted to trade or utilise these areas as part of your trading set-up, without the expressed written consent of the Council/City Parks.
- Traders must ensure the vehicle is parked in accordance to the local traffic regulation orders or you may be issued with a Penalty Charge Notice.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982:
STANDARD CONDITIONS FOR STREET TRADING

- A. The consent may not be transferred, and the Trader shall not permit any person to exercise the consent in his/her absence unless that person is employed by the consent holder and is at least seventeen years of age. The consent holder shall not employ more than two persons at any one time to exercise the consent in the absence of the holder and any contravention of the standard conditions forming part of the consent by these persons shall be deemed to have been committed by the consent holder.
- B. The Trader shall not stand or use any stall, barrow, basket, vehicle or other receptacle in any street except those specified in the consent. Such trading receptacle, including vehicle shall be removed from the trading site at the end of each trading day.
- C. The Trader shall not sell, expose or offer for sale any articles on days or at times other than those specified in the consent.
- D. The Trader shall not place, store or sell, expose or offer for sale any article outside the trading area marked out at the specified site, with the exception of Upper Gardner Street where traders can extend to an adjacent marked trading area when it is unoccupied.
- E. The Trader shall always whilst trading provide a suitable receptacle for rubbish and litter and remove the rubbish and litter from the site at the end of each days trading. Such rubbish and litter is not to be placed in municipal litter bins
- F. The Trader shall operate in a manner which causes no nuisance, obstruction or danger to the Council or to the general public.
- G. The Trader shall at all times whilst trading wear in a prominent position an identity badge provided by the Council. In addition, for town centre street trading consents, the consent, or copy thereof, shall be displayed on the stall/mobile vehicle.
- H. The Trader shall be insured against any claim in respect of third-party liability whilst trading under a consent. No consent will be issued until a current policy has been produced to the Director of Environment and the Trader shall produce evidence of such insurance to an authorised officer of the Council within seven days of the officer's request.
- I. Where there is a potential ignition source present including cooking facilities, a 2kg dry powder extinguisher which complies with the standards set out in BS 5423: 1987 must be provided.
- J. Where hot fat cooking facilities are provided a fire blanket should be provided and so positioned as to allow the blanket to be withdrawn easily and quickly.
- K. Streets within 1 mile from Falmer Community Stadium shall be prohibited streets.
- L. The Trader shall be prohibited from trading on double yellow lines.
- M. The Trader shall be prohibited from trading in residential and shared pay display parking bays.
- N. The Trader shall be permitted to trade from pay and display parking bays providing they abide by any specified maximum waiting times and display a valid ticket for that bay.