



## Help shape the Street Trading Policy for Buckinghamshire

**Open date:** 3 August 2023

**Close date:** 1 October 2023

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### Overview

**We want to hear your views to help us develop a Street Trading Policy for Buckinghamshire.**

Street trading is the sale or offering for sale of anything in a street.

A 'street' includes any road, footway, beach or other area to which the public have access without payment (including service stations).

It is not limited to the public highway – it can include the public realm and private but publicly accessible areas, such as shopping centre car parks and open spaces.

We want to develop one policy and fee structure for Buckinghamshire that makes sure:

- street trading is appropriately and consistently regulated
- transparent guidance is provided
- street trading supports other plans for to how public spaces look, feel and are used
- healthy lifestyle choices and environmentally friendly activities are promoted
- street trading supports the local economy

### Regulating street trading

Under street trading legislation, we can choose how to regulate street trading. Streets can be:

- prohibited streets – where no trading may take place
- licenced streets – where a licence is required to trade
- consent street – where a consent is required from us

We can also choose to:

- adopt different controls in different areas
- apply no controls in areas or for specific activities – e.g. where we already have a system of approval in place.

**We want to hear how and where you think street trading should be regulated, or not regulated, in Buckinghamshire.**

### **Activities not affected by street trading regulations**

There are certain activities that are not considered street trading under legislation:

- pedlar certificate holders (issued by the police)
- trading in an established market or fair
- trading in a trunk road picnic area
- newspaper vendors
- garage forecourts
- shopfronts
- a roundsman fulfilling orders, e.g. a milkman
- holders of highways licences, e.g. tables and chairs or pavement licences
- street collection permit holders

### **Fees for a street trading licence or consent**

Different fees can be charged depending on the:

- duration of the licence or consent
- streets in which the authorisation applies
- what the holder is authorised to sell

We cannot make a profit from regulating street trading. The fees must only cover administration costs.

Under legislation, we can recover the costs of collecting rubbish, cleaning streets and other services rendered to the licence holder. This could include enforcement costs against unlicensed traders.

To bring in these charges, we must consult with licence holders, publish a public notice and consider any responses. This would be part of adopting the new Street Trading Policy.

### **What it would mean if street trading was not regulated**

We can choose not to regulate street trading.

Without regulation, less controls will be in place to determine when and where trading takes place and what can be sold. This may increase the risk of:

- conflict with existing businesses
- public nuisance such as noise, smells and litter
- obstruction of the highway and other public areas
- the sale of inappropriate or socially undesirable articles

### **How to have your say**

You can tell us your views in one of the following ways:

- complete the online survey at [buckinghamshire.gov.uk/street-trading-survey](https://buckinghamshire.gov.uk/street-trading-survey)
- complete, and return, a printed version of the survey

If you have any questions about this activity, please email us at [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk) or phone us on 01296 585605.

**Please tell us your views by midnight on Sunday 1 October 2023.**

### **What happens next**

We will review all the responses we receive to help us draft a Street Trading Policy for Buckinghamshire.

Once drafted, the policy will be publicly consulted on from December 2023 to January 2024.

## Privacy

We will use the information you provide here only for this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details. For more information about data and privacy, please see our [Privacy Policy](#).

If you have questions about data and privacy, please email us on [dataprotection@buckinghamshire.gov.uk](mailto:dataprotection@buckinghamshire.gov.uk). Or write to our Data Protection Officer at Buckinghamshire Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF.

## Printed survey

### Regulating street trading

**1. Do agree or disagree that street trading should be regulated in Buckinghamshire?**

Please tick (✓) one option

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- I don't know

**2. Please tell us the reasons for your answer:**

Include what has worked well, or not so well, with street trading in your experience.

**If you 'disagree' or 'strongly disagree', go to question 20.**

## What should be regulated

### 3. Which of the following should be prohibited from being offered for sale under street trading regulations?

Please tick (✓) one for each option / statement

	Prohibited	Not prohibited	I don't know
Tobacco or tobacco products	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-cigarettes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Energy drinks to children below 16 years old	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plastic and helium balloons	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sky lanterns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Single-use plastics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Goods / paraphernalia associated with illegal drug use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If there are other items you think should be prohibited, please tell us here:

## Where street trading should be regulated

### 4. Where do you think street trading should be regulated or not regulated?

Please tick (✓) one for each option / statement

	Regulated	Not regulated	I don't know
All public roads and pavements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Free and publicly accessible land adjacent to the public highway e.g. retail parks, pub gardens, car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Buckinghamshire Council parks and open spaces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All freely and publicly accessible open spaces including privately owned	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All freely and publicly accessible enclosed spaces including privately owned e.g. shopping centres	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council controlled car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-council controlled car parks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lay-bys	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at events organised by / on behalf of Town and Parish Councils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at events organised by / on behalf of Buckinghamshire Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at one-off non-council organised community events e.g. Christmas Fayre, street parties, summer festivals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading within the grounds of schools and colleges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading within the grounds of places of worship	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading on domestic properties e.g. garage sales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trading at travelling / visiting funfairs and circuses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Regulated	Not regulated	I don't know
Trading in council controlled parks and spaces if council has given consent	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile traders e.g. ice cream vans, coffee vans, mobile sandwich traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5. Are there any other areas that should be regulated?**

Please tell us the area(s) in Buckinghamshire that you think should be regulated for street trading and the reasons why:

**6. Are there any other areas that should not be regulated?**

Please tell us the area(s) in Buckinghamshire that you do not think should be regulated for street trading and the reasons why:

**7. If there are areas where you think street trading should be encouraged, please tell us the area(s) and reasons why:**

**8. How do you think community events should be regulated for street trading?**

Community events include those organised by / on behalf of Town and Parish Councils, Buckinghamshire Council and non-council organised events e.g. street parties, summer festivals.

Please tick (✓) one option

- They should not be regulated
- One trading authorisation for the whole event
- One trading authorisation for each trader
- I don't know
- Other (please give details below)

**When street trading should be regulated**

**9. Do you think street trading hours should be different depending on where trading is taking place?**

Please tick (✓) one option

- Yes
- No
- I don't know

**10.If 'Yes', please tell us how different trading hours, including suggested start and end times, should apply:**

Consider town centres, town areas (non-residential) and residential areas in your answer.



**11. Do you think that street trading should be prohibited outside schools and colleges during term time?**

Please tick (✓) one option

- Yes
- No
- I don't know

**Please tell us the reasons for your answer:**

**Proposals for when street trading should not be authorised**

We are proposing that street trading should not be authorised when:

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site
- there is a conflict with Traffic Orders – such as waiting restrictions
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes
- the trading unit obstructs the safe passage of users of the footway or carriageway
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities
- there is a substantial risk to public safety
- there is a substantial risk to public order
- there is a substantial risk to public nuisance, particularly in residential areas
- the stall or vehicle is in poor condition
- there is evidence of an over-supply of the proposed articles for sale in the area
- the proposal demonstrates inadequate measures to promote the council's environmental aspirations
- the applicant, or assistant / employee, is not considered suitable

**12.If you disagree with any of the proposals, please tell us here:**

**13.If you have any other suggestions for when street trading should not be authorised, please tell us here:**

### **Fees for street trading**

**14.Which of the following, if any, do you think we should consider if we choose to apply varying fees for street trading?**

Please tick (✓) all that apply

- I do not agree with varying fees
- Reduced first year fee for business start ups
- Time of trading (i.e. day time or night time)
- Reduced fees for trading in Opportunity Bucks ward areas
- Increased fees for areas with higher footfall
- Mobile trader or fixed location
- Other (please give details below):

### **Licences and consents**

There are important differences between licenced streets and consent streets:

#### **Licenced streets**

Licences are more suited to permanent traders trading from static fixed sites.

Whilst licences generally provide greater protection for the holder, licensed traders are under an obligation to trade from the site once licensed as far as is reasonable.

Traders may be refused, or have a licence revoked, on specific grounds such as:

- lack of space
- oversupply of the same goods in the local area
- the applicant is unsuitable (e.g. because of relevant criminal history)
- history of failing to pay required fees
- failing to trade for sufficient periods under the licence

Holders have the right to appeal any decision to refuse, revoke or vary the terms of a licence.

### **Consent streets**

Consents are more suited to traders operating from non-permanent fixed sites – for example trading from a vehicle or portable stall.

Holders have less protection in comparison to licence holders – but are generally not subject to the same expectation to trade.

Consents can be revoked at any time and holders have no statutory right of appeal if a consent is refused, revoked or is modified.

Conditions may be attached to both licences and consents. Councils tend to adopt standard conditions, modified as required to suit specific circumstances.

### **15. Do you think we should issue licences or consents when authorising street trading in regulated areas?**

Please tick (✓) one option

- Licences
- Consents
- A combination of licences and consents
- I don't know

**Please tell us the reasons for your answer:**

## Mobile traders

We do not currently have a definition of a mobile trader. To tell the difference between mobile traders and static traders, we are proposing the following definition:

A mobile trader is 'one who trades for no longer than 15 minutes in any location, must move at least 50m from last trading location and then cannot return to same location for 24 hours'.

### 16. Do you think we should regulate mobile traders that only trade from a specific location for a short period of time before moving on (e.g. ice-cream and coffee vans)?

Please tick (✓) one option

- Yes
- No
- I don't know

### 17. Do you agree that mobile traders, trading from different locations for short periods of time, should be regulated?

Please tick (✓) one option

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

## Application and appeal process

### 18. Which of the following, if any, do you think applicants should be required to provide?

Please tick (✓) all that apply

- Basic disclosure and barring service (DBS) check for themselves
- Basic disclosure and barring service (DBS) check for any assistant
- Photograph of themselves
- Photograph of any assistant
- Evidence of right to work for themselves

**More answer options on the next page**

- Evidence of right to work for any assistant
- Location plan
- Photograph of any stall/vehicle to be used
- Evidence of public liability insurance (minimum cover £5million)
- Relevant safety certificates
- Relevant food hygiene certificates
- Evidence of measures to promote the council's environmental aspirations
- Details of articles to be offered for sale
- Other (please give details below):

**19.If we implement 'consents' there is no statutory right of appeal. If an application for consent is refused, do you think applicants should be offered an opportunity to appeal the decision?**

Please tick (✓) one option

- Yes
- No
- I don't know

**About you**

We will use the information you provide here only for the purpose of this activity. We will store the information securely in line with data protection laws and will not share or publish any personal details.

**20.Which of the following describe you?**

Please tick (✓) all that apply

- I represent or own a business in Buckinghamshire
- I represent a community or voluntary group in Buckinghamshire
- I am an elected representative in Buckinghamshire
- I represent a Parish / Town Council or Town Committee in Buckinghamshire
- I work for Buckinghamshire Council
- Other (please give details below):

**21. Are you responding as an individual or on behalf of an organisation or council service?**

Please tick (✓) one option

- As an individual (go to end of survey)
- On behalf of an organisation or council service

**On behalf of an organisation or council service**

**22. Please provide the following details:**

Name of organisation or council service:

Your job title:

**23. When would your organisation or service expect to be consulted on applications?**

Please tick (✓) one option

- Never
- All new applications only
- All new applications and renewals
- At Licensing Officer discretion
- Other (please give details below):

**End of the survey**

**Thank you for taking the time to complete this survey.**

Please return your completed survey by midnight on 1 October 2023. You can:

- email it to [licensing@buckinghamshire.gov.uk](mailto:licensing@buckinghamshire.gov.uk)
- post it to Street Trading Policy, Licensing Services, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF