

DRAFT Harmonised Street Trading Scheme

Controlling the sale of goods in the Wiltshire Council area.

All streets in Wiltshire have been designated as consent streets, with the exception of a number of prohibited streets (where street trading is illegal). It is illegal to trade in a consent street without first obtaining a Street Trading Consent from the council.

Guidelines

How to apply for a Street Trading Consent

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Glossary

The council. Means Wiltshire Council.

The applicant. The trader who has submitted an application for a Street Trading Consent.

Consent Holder. An individual that holds a Street Trading Consent.

Trading area. All street traders in town centres should trade in an area not exceeding 4 metres by 3 metres. This is known as the trading area. The pitch size for traders outside of town centres will be decided on a case by case basis at the discretion of the licensing officer.

Street trading. The selling, exposing or offering of article for sale in a street, excluding the exemptions listed in the legislation.

A street. Any area which the public can access without payment, including private land. This does not include indoor shopping centres.

Consent street. It is illegal to trade without first obtaining a Street Trading Consent from the council.

Prohibited street. It is illegal to trade unless you are legally exempt from the 1982 Local Government (Miscellaneous Provisions Act). Please see page 4 of this document for a list of legally exempt street trading activities. Maps of the prohibited streets are available at Appendix 3 of this document.

Street Trading Consent. A permission to trade, which is granted by a council subject to conditions and the payment of a fee.

Block Street Trading Consent. One Street Trading Consent issued to an individual who organises a street trading event, such as a farmers market. The holder of a Block Street Trading Consent is responsible for all individual trading activities.

A roundsman. An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. Ice-cream vans are not roundsmen.

A pedlar. To operate legally as a pedlar you must

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- carry all goods for sale and not use a trolley or stall
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.

Authorised officer. An officer employed by Wiltshire Council and authorised by the council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Licensing Sub-Committee. Elected Wiltshire councillors who have received special training on licensing matters. The Licensing Sub-Committee is supported by a clerk and a solicitor and meets on a regular basis. Sub-Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Licensing Sub-Committee is to consider any appeals against decisions by licensing officers.

The Sub-Committee. The Licensing Sub-Committee.

Purpose

Wiltshire Council's street trading policy aims to:

- create a street trading environment that complements premises based trading
- promote fairness and consistency across the county
- improve the local environment
- be sensitive to the needs and concerns of residents
- involve local communities in street trading decisions
- control street trading through a fair and proportionate enforcement procedure

What is street trading?

Street trading is selling, exposing or offering articles for sale in a street.

In the view of Wiltshire Council this includes:

- trading from mobile and static structures, including kiosks
- the sale of food and drink
- ice-cream vans
- mobile artists and musicians who sell their work on the street
- advertising cars for sale on the street
- the sale of Christmas trees and other festive items

In the view of Wiltshire Council this does not include:

- the sale of gas, electricity or other domestic services
- subscriptions to motor breakdown organizations
- handing out promotional literature for goods, services or venues.

What is a street?

A street is any area which the public can access without payment, including private land. This does not include indoor shopping centres.

This street trading policy covers all streets in Wiltshire.

All streets in Wiltshire have been designated as consent streets except for a number of highway lay-bys which have been designated as prohibited streets (where all street trading is illegal) for safety reasons. Please see Appendix 3 for a list of prohibited streets.

A Street Trading Consent is required to trade at the following locations:

- roads and walkways
- footpaths
- car-parks
- lay-bys and verges
- parks
- recreation fields
- industrial estates
- unenclosed land within 15 metres of any of the above
- any other council land

What is a Street Trading Consent?

A Street Trading Consent is a permission to trade. It is granted by Wiltshire Council subject to conditions and usually involves the payment of a fee.

It can be withdrawn at any time or not renewed if conditions are not complied with or the required fee is not paid.

A Street Trading Consent is specific to the person it is issued to and is non-transferable.

Please note that the granting of a Street Trading Consent does not exempt the Consent Holder from obtaining any other licence or permission which may be required.

Exempted street trading activities

Some types of street trading are legally exempt from the need to obtain a Street Trading Consent.

A Street Trading Consent is **not required** if you are:

- a pedlar with a valid pedlar's certificate issued by a chief constable of police
- trading in a charter market or a statutory market
- trading in a trunk road picnic area under the Highways Act 1980

- trading as a newsvendor within a maximum area of 0.25 square metres and only sell newspapers and periodicals
- trading as a roundsman
- undertaking a permitted street collection
- trading on premises used as a petrol station or on the street adjoining premises used as a shop and you own the shop or petrol station
- trading in a kiosk placed on a highway under the Highways Act 1980
- operating refreshment facilities under the Highways Act 1980.

As a matter of policy the council also does not require you to obtain a Street Trading Consent if you are:

- trading in a market run by Wiltshire Council
- trading as part of a travelling fair and have already been granted permission to trade on Wiltshire Council land by Wiltshire Council.
- trading from a motorised ice-cream van and keep moving from street to street **not stopping in one place for longer than 15 minutes** and do not trade within 500 metres of a school.

Who can apply for a Street Trading Consent?

To apply for a Street Trading Consent **you must be:**

- over the age of 17
- an individual (two people can apply jointly on the same consent), not a company or body corporate
- legally entitled to live and work in the UK.

A Street Trading Consent **cannot be issued:**

- to trade on a highway controlled by the Highways Agency (at present the M4, A419, A36 and A303) without the permission of the Highways Agency
- for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

Prohibited goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:

- Alcohol except:
 - sales of mulled wine and similar at street fairs or community events. No sale will be permitted to anyone under the age of 18.
 - for consumption with a sit down meal at the premises.

Note that any sale of alcohol will require a separate permission under the Licensing Act 2003.

- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons
- Tobacco products
- Fireworks
- Articles that would typically be sold in sex shops
- Animals

Types of Street Trading Consents

Wiltshire Council will accept applications for the following types of street trading consents:

- **Annual Street Trading Consent.** Consent to trade on all days of the year, including all bank holidays.
- **Daily Street Trading Consent.** Consent to trade for a single day, a number of days or a specific day for the year, including bank holidays where these fall on the days included in the consent. For example trading for a full week once a year, on all Mondays for one month, or all Saturdays throughout the year. The council charges a higher fee for a consent to trade on Saturdays in town centres.

Applications for **Annual** and **Daily Street Trading Consents** will be considered **four times a year** and must be submitted by:

- 1 March
- 1 June
- 1 September

- 1 December

Applications for Christmas trading must be submitted by 1 September. Applications submitted after this date will not be processed by 1 December.

The council will also consider applications for **Block Street Trading Consents** from organisers of large street trading events, such as:

- Farmers markets operated by Wiltshire Farmers Markets Association or other similar non-profit making organisations
- Car boot sales
- Fetes, carnivals and similar Town and Parish Council supported events
- Static structures on Town and Parish Council land, such as kiosks, which are leased out to individuals for a fee.

The market or event organiser in receipt of a Block Street Trading Consent is **responsible for all individual trading activities** and must ensure that street traders at their event comply with the Standard Conditions and any Additional Conditions. A copy of the Standard Conditions is available at Appendix 1.

Applications for Block Street Trading Consents can be submitted throughout the year.

Where the **proceeds from both the street trading activity and the event as a whole will go to a registered charity or will not be used for private gain** the council will offer a Block Street Trading Consent at **no charge**.

To receive a Block Street Trading Consent at no charge the event organiser will need **to prove that the proceeds will go to a registered charity or not for profit organization, or will be used to fund the street trading event.**

An organisation can prove that it is a charity or not-for-profit organisation by providing:

- A copy of their charity registration document
- A letter from the Inland Revenue confirming that the organisation is recognised as a charity for income tax purposes.

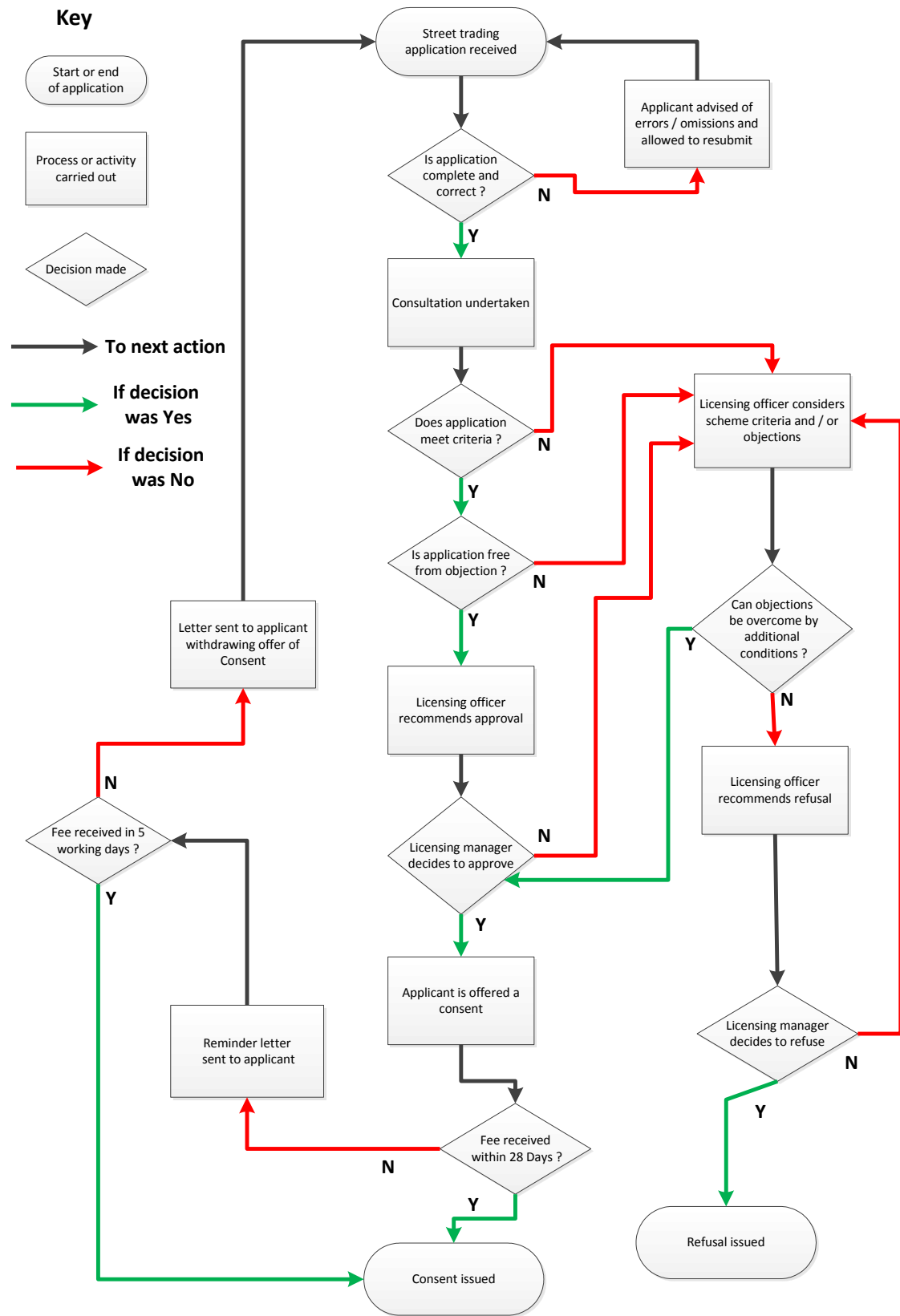
Where **the proceeds from either the street trading activity or the event as a whole will be used for private gain**, for example a continental market or car boot sale, the council will **charge the full daily fee** for a Block Street Trading Consent.

Town centre traders will be charged higher fees to reflect the higher footfall and greater commercial benefit of a town centre location. For a detailed breakdown of street trading fees please see Appendix 2.

All town centre traders will be granted a Street Trading Consent to trade in an area not exceeding 4 metres by 3 metres (the trading area.) Depending on the space available, the size of the trading area may be reduced in some town centre locations. Where appropriate, those wishing to trade in a larger area may apply to do so, at an additional cost.

The size of the trading area for traders outside town centres will be decided on an individual basis at the discretion of the licensing officer and licensing manager. The size of the trading area will be specified on the Street Trading Consent.

Procedure for determining applications for Street Trading Consents



How to submit the application

An application for a Street Trading Consent must be made to Wiltshire Council **in writing**.

To apply for a Street Trading Consent you need to submit the following:

- A completed and signed Street Trading Application Form
- A non-refundable deposit of 10% of the full fee
- 3 copies of a map of at least 1:1250 scale. This should clearly identify the proposed site position by marking the site boundary with a red line.
- Written permission from the owner of the land if you wish to trade on land which is not part of the public highway, for example a privately owned industrial estate.
- If you intend to sell food, you must demonstrate that you are registered with the Wiltshire Council Food Safety Team, or another local authority. If you are already registered with another local authority then you will not need to register with Wiltshire Council, but you will need to provide proof of this registration. **If you are not currently registered, you must complete a separate Application to Register a Food Business Establishment Form at least 28 days before you apply for a street trading consent.**
- You will also need to have completed a Subject Access Check form and submitted it to Wiltshire Police. The Subject Access Check will be used to check whether you have any relevant unspent convictions that need to be taken into account when your application is considered. **It will take at least 40 days for your Subject Access Check to be processed. Wiltshire Council will not issue a Street Trading Consent until a Subject Access Check has been processed.** The Subject Access Check form is available from and should be submitted to Subject Access, Data Protection Office, Wiltshire Constabulary, Wood Lane, Chippenham, Wiltshire, SN15 3DH. The form is also available online at www.wiltshire.police.uk.

Applications should be made online or at your local Wiltshire Council office between the hours of 10 am to 12 noon and 2 pm to 4 pm. For details of your local Wiltshire Council office please see the Licensing Section of the Wiltshire Council website: www.wiltshire.gov.uk.

First time applications for Annual and Daily Street Trading Consents will only be considered **four times a year** will take a **minimum of 90 days** to be determined.

Please note that the deadlines for street trading applications to be considered are:

- 1 March

- 1 June
- 1 September
- 1 December

For more information or advice on how to apply for a Street Trading Consent please contact the Wiltshire Council Licensing Team.

Consultation on applications

Licensing officers will carry out a consultation process with all interested persons and groups before a street trading application is considered.

This will usually include:

- The appropriate Town or Parish Council
- Wiltshire Council Environmental Protection Team
- Wiltshire Council Food and Health and Safety Team
- Wiltshire Council Planning Department
- Wiltshire Council Highways Team
- Wiltshire Council Trading Standards
- Wiltshire Police
- Wiltshire Fire and Rescue Service
- Ward Councillors
- The relevant Area Board Chairperson (a local Councillor) and Community Area Manager
- Members of the public living within 100 metres of the proposed street trading location. This consultation will be carried out by the council putting up a notice at the proposed street trading site and publishing details of the street trading application on the Wiltshire Council website at....
- The land owner of the proposed street trading site if it is on private land
- The local Chamber of Trade/ Commerce
- Local businesses

Written observations and recommendations based on the street trading criteria and purpose of the street trading policy will be sought from the above bodies and taken into consideration when licensing officers determine applications.

Full consultation will not take place on applications for Block Street Trading Consents, although if necessary the licensing officer may informally approach any of the consultees.

Inspection of the street trading unit

If you wish to sell food, your street trading unit will be inspected by an authorised council officer prior to the issue of any Street Trading Consent. The street trading unit must comply in all respects with the legal requirements relating to the proposed type of street trading activity.

In particular the proposed business shall comply with the following legislation:

- Food Hygiene (England) Regulations 2006
- The General Food Regulations 2004
- Regulation 852/2004 on hygiene of foodstuffs
- Food Safety Act 1990
- Health and Safety at Work Act 1974 and any Regulations made under this Act
- Environmental Protection Act 1990.

For advice on any of the above requirements please contact the Wiltshire Council Food Safety Team.

Criteria for determining applications

The licensing officer will assess applications for Street Trading Consents against the following criteria:

- **Site safety.** The location should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The street trading activity should not present a significant risk of nuisance from noise, smells or fumes to households and businesses in the vicinity. Observations from council officers will be taken into consideration.
- **Public order.** The street trading activity should not present a risk to public order in the locality in which it is situated. Observations from Wiltshire police and council officers will be taken into consideration.

- **Avoidance of nuisance.** The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from council officers and residents will be taken into consideration.
- **Needs of the area.** Applicants will have to demonstrate the need for the proposed street trading activity in relation to:
 - (i) the presence of other like outlets already existing in the immediate locality of the street trading site, and
 - (ii) the general needs of a locality if no comparable outlets already exist.
- **Compliance with legal requirements.** The proposed street trading unit should comply with all the relevant legislation. Observations from officers on the requirements of food safety, health and safety, environmental health and fire safety legislation will be taken into consideration. In addition, for those applying to sell food the result of the unit inspection will be taken into consideration.
- **Consultees observations.** Consideration will be given to written objections from consultees. Objections and recommendations will be assessed by the licensing officer for reasonableness and appropriateness before they are taken into consideration.
- **Permitted trading hours.** In town centres street trading hours will normally mirror those of shops 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. Any trading involving hot food between 11pm and 5 am will also require a separate application under the Licensing Act 2003.
- **Planning Permission.** No Street Trading Consent shall be issued where planning permission is required but has not been applied for or granted. Observations from Wiltshire Council planning officers will be taken into consideration.
- **Suitability of the applicant.** The council may take relevant unspent convictions, complaints received about the applicant's previous street trading activity and any previous revocation or surrender of a Street Trading Consent into account.
- **Proximity to schools and colleges.** No Street Trading Consents will be granted for trading at locations within a 500 metre walk using the public highway of a school or sixth form college.

All the criteria will need to be satisfied and equal weight will be applied to all criteria.

Objections

The consultees listed will be asked to respond with any written objections **within 60 days**.

Licensing officers will assess the reasonableness and appropriateness of all objections before they are taken into consideration.

How applications will be determined

All applications will be determined by licensing officers acting on delegated authority.

Licensing officers will evaluate applications against the criteria and then consider all reasonable and appropriate objections. Reasonable and appropriate objections are those that relate to the criteria and aims of this street trading policy.

The licensing officer will recommend **approval** of the application if the application:

- meets the criteria and
- there are no reasonable and appropriate objections.

If the application:

- does not meet the criteria, or
- there are reasonable and appropriate objections

the licensing officer may contact the applicant and objectors to attempt to resolve the potential reasons for refusal. If appropriate, this may include a consultation meeting arranged by the community area manager between the area board chairperson (a local councillor), members of the public and the licensing officer.

The licensing officer, applicant and objectors may discuss:

- changes that could be made to the proposed location, goods or trading hours and
- additional conditions that could be introduced.

The applicant will receive written confirmation of the outcome of this process within **30 working days**.

If the applicant refuses the offer of a meeting the licensing officer will either introduce additional conditions or recommend refusal of the application.

If the objections and failure to meet scheme criteria **can** be resolved by changing the application and/or introducing additional conditions the licensing officer will **recommend approval of the application**.

If the objections and failure to meet scheme criteria **cannot** be resolved by making changes to the application or introducing additional conditions the licensing officer will **recommend refusal** of the application.

The licensing officer's recommendations will be sent to the licensing manager. If the licensing manager does not agree with the licensing officer's decision the licensing officer will be asked to assess the application again.

Approval of applications

The applicant will be advised that they **need to accept the offer of a Street Trading Consent and make a full payment within 28 days.**

After that time a letter will be sent to the applicant reminding them of the need to make a full payment.

If the fee is still not received within five working days the offer will lapse and the applicant will need to make a new application to the council and pay another ten percent deposit.

A Street Trading Consent will not be issued until the street trading fee has been paid in full.

Applications may be approved subject to additional conditions. **These additional conditions form part of the Street Trading Consent and must be complied with at all times.**

Refusal of applications

Where the council refuses an application the applicant will be informed **in writing** of the reasons for not granting the application.

The ten percent deposit is non-refundable and will not be refunded to the applicant if their application is refused.

A waiting list will be kept in cases where an application has been refused because of the need to prevent:

- more than one trader selling the same items in the same area at the same time
- unfair competition with traders in fixed premises.

Applicants who feel aggrieved by the decision of the licensing officer to refuse an application or to introduce additional conditions may appeal to the Licensing Sub-Committee. Please see '**Appeal to the Licensing Sub-Committee**' for more details.

Note that 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.

There is no right of appeal to the Magistrates Court in any circumstances.

A person aggrieved by a decision of the Licensing Sub-Committee may make an application to the high court for judicial review of the decision. For further information on potential grounds for judicial review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

Issue of Street Trading Consents

Before Street Trading Consent is issued the applicant will need to provide:

- An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5 million
- Two passport photos- one for their Street Trader Identity Badge and one for the council's street trading records.

The applicant will also need to read and sign a copy of the Street Trading Consent, including the Standard Conditions and any additional conditions.

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. **Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.**

All Street Trading Consents are issued subject to a **set of Standard Conditions which must be upheld at all times**. A copy of the Standard Conditions is available at **Appendix 1** to these guidelines.

Licensing officers may attach additional conditions to the Standard Conditions. These additional conditions form part of the Street Trading Consent and must be upheld at all times. Any appeal against the additional conditions will be dealt with by the Licensing Sub-Committee. Please see '**Appeal to the Licensing Sub-Committee**' for more details.

The conditions attached to the Street Trading Consent **must be complied with at all times. Failure to comply with either Standard Conditions or additional conditions may lead to the consent being revoked or not renewed.** Consent Holders are requested to familiarise themselves and their employees with the conditions attached to their Street Trading Consent.

The Consent Holder must be at the trading area for the majority of the time on each trading day.

The Consent Holder will be issued with a Street Trading Consent Plate and a Street Trader Identity Badge. The Street Trader Identity Badge must worn by the Consent

Holder at all times. The Street Trading Consent Plate must be displayed at all times and must be clearly visible to customers.

Note that the granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

The council reserves the right to revoke a Street Trading Consent at any time without compensation, although some fees will be reimbursed.

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Street Trading Consent to the council or have their Street Trading Consent revoked by the council.

Any refunds will be made from the date that:

- the Street Trading Consent is surrendered to Wiltshire Council
- the Street Trading Consent is revoked by Wiltshire Council.

Refunds will be based on the following formula:

Number of days remaining multiplied by the daily fee **less** the current administration fee.

Appeal to the Licensing Sub-Committee

The role of the Licensing Sub-Committee (the Sub-Committee) is to consider any appeals against decisions by licensing officers.

The applicant can appeal to the Licensing Sub-Committee where a licensing officer has decided to:

- refuse an application
- introduce additional conditions or
- revoke a Street Trading Consent.

The right to appeal to the Licensing Sub-Committee does not apply if the Street Trading Consent has been revoked because the Consent Holder has not paid street trading fees.

The Licensing Sub-Committee consists of elected Wiltshire councillors who have received special training in licensing issues. The Sub-Committee is supported by a clerk and a solicitor and meets on a regular basis. Committee meetings are normally

held in public unless there are matters to be considered that are of a confidential nature.

Once arrangements have been made for the appeal to be heard by the Sub-Committee, the applicant will be informed in writing of the time, date and place where the appeal will be heard. The council will endeavour to hear all appeals as quickly as possible.

The applicant will be expected to attend the hearing and can be represented by a solicitor or supported by a friend or colleague.

The Sub-Committee will follow a set procedure. The applicant will be notified of this procedure before the hearing, along with any officer reports that will be presented at the hearing.

In assessing the licensing officer's decision the Sub-Committee will consider presentations from the applicant and the licensing officer. Both the applicant and the licensing officer may call witnesses. Supporting documentation may be submitted to the Sub-Committee in advance of the hearing for consideration.

The Sub-Committee will consider all the evidence presented during the hearing and may ask questions of the applicant and licensing officer.

After hearing the evidence presented to it the Sub-Committee will retire and come to a decision on the appeal. When a decision has been reached the Sub-Committee will inform the applicant of their decision and the reasons for reaching that decision.

The Sub-Committee's decision will be confirmed to the applicant **in writing** within 5 working days of the hearing.

The Licensing Sub-Committee will always strive to ensure that all persons get a proper and fair hearing by:

- considering each appeal on its merits
- using these guidelines to assess licensing officer decisions to refuse the application or introduce additional conditions
- being impartial and balanced throughout the appeal
- ensuring that rules of natural justice are applied at all times
- giving the applicant and licensing officer sufficient opportunity to present their case, ask questions of officers and members of the Sub-Committee and present information for consideration in support of their case.

Enforcement

The council may revoke a Street Trading Consent at any time and shall not be liable to pay compensation to the Consent Holder, although some fees will be

reimbursed. Please see Issue of Street Trading Consents for more details on the reimbursement of fees.

The following principles will be applied to all enforcement action:

- **Openness and transparency.** Council officers will discuss all problems, including failure to comply with conditions, clearly and in plain language. The council will be open about how it enforces street trading legislation and will inform interested parties of what they can expect from the enforcement procedure.
- **Consistency.** Council officers will seek to take a similar approach in similar circumstances and will carry out their duties in a fair and equitable manner.
- **Proportionality.** The council will ensure that the action taken is proportionate to the risks involved or the seriousness of the breach of conditions.
- **Helpfulness.** The council will provide advice on the relevant legislation and assist with compliance. Council officers will provide a courteous and efficient service.

The legislation in relation to offences is as follows:

‘A person who engages in street trading in a consent street without being authorised to do so, or being authorised by a consent trades in that street

- (i) from a van, cart, barrow or other vehicle, or
- (ii) from a portable stall,

without first having been granted permission to do so contravenes a condition imposed shall be guilty of an offence.

It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence.

Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

A person guilty of an offence shall be liable on summary conviction to a fine. The maximum fine is level 3 on the standard scale, currently £1000.’

Renewals

Street Trading Consents will be renewed automatically unless:

- there have been any complaints from members of the public, or
- concerns raised by consultees or licensing officers, or
- conditions have been breached.

In these circumstances a full or revised application process may be used at the discretion of the licensing officer.

If a renewal offer is not accepted or payment has not been made within 28 days, this offer will be withdrawn and the trader will need to make a new application. Priority will be given to the next relevant person on the waiting list.

Additional requirements for street trading activity

A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Acts, the Food Safety Act 1990, the Town and County Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Licensing Act 2003.

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 any other general or local registration.

Planning permission

The issue of any Street Trading Consent in relation to a particular street trading pitch does **not** constitute the grant of any permission required under the Town and County Planning Act 1990 or any other legislation for the use of the land for that purpose, including any permission required for the display of advertisements.

Consent Holders should obtain prior planning permission if the use of the land for street trading amounts to a material change of use, before commencing trading.

Please contact your local Planning Office and seek advice on whether an application for planning permission needs to be made for the proposed use of the land.

A Street Trading Consent will only be issued if the council is satisfied that planning permission is not required. In the event that subsequent to the issue of a Street Trading Consent it transpires that the activities require planning permission and/or advertisement consent, the council reserves the right to remove the Street Trading Consent without any right to compensation.

Licensing Act 2003

The Licensing Act 2003 requires all persons selling hot food between the hours of 11pm and 5 am to hold a Premises Licence. **This requirement is in addition to the requirement to hold a Street Trading Consent.**

You will need to complete a separate application for a Premises Licence under the Licensing Act 2003. For further advice and information please contact your local Wiltshire Council Licensing Team. Please see the front of this guidance for contact details.

Food trader registration

Food traders **must register their food business with the council** or provide proof of their registration with another local authority within a minimum of 28 days prior to commencing trade. Traders should notify the council **in writing** of any change of address at which the stall and perishable goods are stored within 7 days of the change.

This is in addition to the requirement for a Street Trading Consent. A Street Trading Consent cannot be granted to a food trader unless their business is registered with the council or another local authority.

Consumer Protection

A Street Trading Consent does not exempt the Consent Holder, or any person employed to work on the stall, from the requirement to comply with consumer protection legislation and, where relevant, the requirements of the Companies Act 2006.

Traders that mislead customers or sell faulty or unsafe goods will have their Street Trading Consent revoked or not renewed by the council.

Access by council and police officers

Consent Holders should allow access to authorised council officers and police officers at all reasonable times.

Council Officers will carry with them and produce on request official identity cards issued by Wiltshire Council. If you have any doubts about a person claiming to be from Wiltshire Council ask to see their official identity card.

Appendices

Appendix 1: Standard conditions for all Consent Holders

Appendix 2: Street trading fees

Appendix 3: Maps of prohibited streets

Appendix 1: Standard conditions for all Consent Holders

General conditions for all traders

1. The Street Trading Consent Plate shall be displayed at all times and must be clearly visible to customers. The Consent Holder shall wear the Street Trader Identity Badge during all trading hours.
2. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Wiltshire Council in writing.
3. Consent Holders shall not trade outside of the designated trading area.
4. The trading area must be located:
 - In the general area specified in the street trading consent
 - At least 3 metres in front of any ground floor window, door or other opening of any premises, except where those premises are occupied by the person holding the street trading consent.
 - At a place which does not obstruct access to any other premises by vehicles or pedestrians
 - At any exact location specified by a licensing officer of the Licensing Authority.
5. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles.
6. Trading may only take place when the Consent Holder is at the trading area for the majority of the time on each trading day.
7. The Consent Holder must have written permission from the owner of the land to trade on private land that is not part of the public highway.
8. The Consent Holder shall not do anything that is likely to cause danger, nuisance, annoyance, damage or inconvenience to the council, adjacent/ neighbouring premises or members of the public.
9. The Consent Holder shall pay all Street Trading Consent fees in advance.
10. If the Consent Holder wishes to alter any of the terms of the Street Trading Consent, an Application to Alter Terms and Conditions must be submitted to the

council in writing. Any changes to the terms and conditions of a Street Trading Consent will be subject to the payment of an administration fee.

11. The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.
12. **A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent. A Street Trading Consent may be surrendered to the council at any time.**
13. All activities of storage and display and any temporary structure such as a stall or tables and chairs, must be contained within the trading area specified on the Street Trading Consent.
14. **A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation, such as the Road Traffic Act, the Food Safety Act 1990, the Town and County Planning Acts, the Control of Pollution Act 1974, the Environmental Protection Act 1990, the Licensing Act 2003. 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 general or local legislation.**
15. **The Council may revoke a Street Trading Consent at any time and shall not be liable to pay compensation to the holder in respect of such revocation.**
16. No live or recorded music must be played at any time
17. Activities shall be conducted so as not to cause nuisance to members of the public, road users and occupiers of premises relating to noise, smoke, fume or odour.
18. A rubbish bin must be provided in the Trading Area where goods are sold that are for immediate use or consumption.
19. Any waste arising from the trading activity within 100m of the stall in any direction must be removed and properly disposed of at the end of each trading day. Waste must not be placed in litter bins provided for public use.
20. The use of generators is not permitted, unless permission is specifically granted and included in the street trading consent.

21. The Consent Holder should make provisions to prevent any discharge of water or effluent from the street trading activity to any surface drainage or other watercourse.

22. Mobile Units may sound chimes but **not**:

- For longer than 4 seconds at a time
- More often than once every 3 minutes
- When the vehicle is stationary
- When the vehicle is moving, except on approach to a selling point
- When in sight of another vehicle which is trading
- When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship)
- More often than once every 2 hours in the same length of street
- With the volume too loud, i.e. not more than 80 dB(A) at a distance of 7.5 metres.

Please Contact the Wiltshire Council Environmental Protection Team for advice.

23. The Consent Holder shall ensure that they do not sound chimes before 12 noon and after 7 pm or at any time in any way which gives reasonable cause of annoyance.

24. Consent Holders and their employees must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch will have their Street Trading Consent revoked.

25. Fabrics and other sheet materials used in the construction of temporary stalls shall be suitably flame retardant.

26. Suitable fire fighting equipment should be provided dependant upon the activity type. The equipment must conform to the relevant British Standards.

27. Liquefied Petroleum Gas installations if permanent should be subject to an annual examination by a suitably competent Gas Safe engineer and a certificate provided. Temporary installations should be checked by a competent Gas Safe engineer and if possible be fitted with Flame Failure devices. All pipe work should conform to BS 3212.

28. Electrical power supplied must be protected by residual current devices and suitable cables and connections used.

29. Counterfeit goods or goods that the seller does not have the consent of the owner to sell are prohibited from sale.
30. All goods should be clearly priced and goods sold by weight and number should indicate the unit of quantity in which they are being offered for sale.
31. A street trader offering a service should make the nature and cost of that service clear.
- 32. Traders that mislead customers or sell faulty or unsafe goods will have their Street Trading Consent revoked or not renewed by the council.**
33. The issue of any street trading consent in relation to a particular street trading pitch does **not** constitute the grant of any permission required under the Town and County Planning Act 1990 or any other legislation for the use of the land for that purpose, including any permission required for the display of advertisements.
- 34. Consent Holders should obtain prior planning permission if the use of the land for street trading amounts to a material change of use, before commencing trading.** Please contact your local planning office and seek advice on whether an application for planning permission needs to be made for the proposed use of the la
35. A Street Trading Consent will only be issued if the council is satisfied that planning permission is not required. In the event that subsequent to the issue of a Street Trading Consent it transpires that the activities require planning permission and/or advertisement consent, the council reserves the right to remove the Street Trading Consent without any right to compensation. For advice please contact the Wiltshire Council Planning Department.
36. Traders who sell hot food between the hours of 11 pm and 5 am shall also hold a Premises Licence. This is in addition to the requirement to hold a Street Trading Consent. For advice please contact the Wiltshire Council Licensing Team.
37. The Consent Holder shall not obstruct the street or cause danger to any persons using the street.
38. A clear pedestrian route of at least 2 metres should be maintained along the highway, adjacent to the building line.
39. A minimum distance of 2 metres width should be kept between the edge of the trafficked route and the street trading unit boundary.

40. The Consent Holder must not cause or allow anyone to cause damage to the street surface, street furniture, lighting and landscaping within the trading area and will be responsible for making good any such damage.
41. The street trading activity shall not obstruct any street furniture, signs or lighting.
42. Any associated vehicle must be parked properly and in accordance with any parking restrictions.
43. Advertisements or other notices must not be placed outside of the trading area.
44. Consent Holders must provide suitable and sufficient sanitary accommodation for their customers. This accommodation must be approved by an authorised Council Officer.
45. The street trading activity shall not restrict any legitimate delivery or servicing operations that take place within the highway.
46. The street trading activity shall not impede any existing driver or pedestrian sight lines.
47. 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. The council will endeavour to give reasonable notice and **no compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.**

Food traders

48. Food traders are required to register their food business with the Council within a minimum of 28 days prior to commencing trade. This is **in addition to the requirement for a Street Trading Consent. A Street Trading Consent cannot be granted to a food trader unless their business is registered with the council.** Traders shall notify the council in writing of any change of address at which the stall and perishable goods are stored within 7 days of the change.
49. Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
50. Traders selling food products must comply with current Food Safety legislation. This includes:
 - Food Hygiene (England) Regulations 2006

- The General Food Regulations 2004
 - Regulation 852/2004 on hygiene of foodstuffs
 - Food Safety Act 1990
 - Health and Safety at Work Act 1974 and any Regulations made under this Act
 - Environmental Protection Act 1990.
51. Traders should have regard to the best practice guidelines set out in the Chartered Institute of Environmental Health National Guidance on Outdoor & Mobile Catering.
 52. The trading unit shall be sited, designed, constructed and kept clean and in good repair and condition so as to avoid the risk of contamination, particularly by animals and pests.
 53. An adequate supply of hot and/or cold potable water shall be available at all times
 54. Adequate facilities for hand washing and the washing of food and equipment must be provided in accordance with the legislation and best practice guidance.
 55. Adequate facilities for the hygienic temporary storage of waste water must be provided where a permanent connection to the foul drainage system is not available.
 56. The Consent Holder shall provide adequate facilities and arrangements for maintaining and monitoring statutory food temperature controls
 57. Surfaces in contact with food shall be in a sound condition and be easy to clean and disinfect. This usually requires the use of smooth, washable, corrosion-resistant and non-toxic materials.
 58. Foodstuffs shall be placed so as to avoid the risk of contamination as far as is reasonably practicable.
 59. Vans and stalls used for cooking must be adequately ventilated.
 60. As a minimum all staff must have attended Level 2 Food Hygiene Training within the past 5 years. Evidence of food hygiene training must be available for examination by an authorised Council Officer at any time when the unit is trading.
 61. The Consent Holder must have a suitable HACCP based food safety management system and supporting documentation must be available for inspection at the traders pitch at all times.

62. The Consent Holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
63. The Consent Holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
64. Litter and Trade Waste arising from the activities of the Consent Holder shall be removed from the site on a daily basis and disposed of in an approved manner.

Town Centre traders

65. In town centres all activities of storage and display and any temporary structure such as a stall or tables or chairs, must be contained within an area not exceeding 4 metres by 3 metres. The size of the trading area may be reduced depending on the location. Where appropriate, street traders can apply for double (or greater) pitch sizes with a pro-rata increase in fees

Appendix 2: Street trading fees

Town centre traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£ 2800
Daily Street Trading Consent- Sunday to Friday , including bank holidays where these fall on the days included in the consent.	£ 20 per day
Daily Street Trading Consent- Saturday.	£ 40 per day
Block Street Trading Consent- events for private gain	£ 40 per day
Block Street Trading Consent- events where the proceeds will not be used for private gain or will go to a registered charity	No charge

All other traders

Type of Street Trading Consent	Fee
Annual Street Trading Consent – all days of the year, including all bank holidays.	£ 1400
Daily Street Trading Consent- including bank holidays where these fall on the days included in the consent.	£ 10 per day
Block Street Trading Consent- events where the proceeds will be used for private gain	£ 40 per day
Block Street Trading Consent- events where the proceeds will not be used for private gain or where the proceeds will go to a registered charity.	No charge

Fees can be paid by cheque, debit or credit card:

- Online at www.wiltshire.gov.uk
- By telephone
- In person to the Licensing Team at your local Wiltshire Council office

Appendix 3: Maps of prohibited streets

Street Trading Consultation Area Board Locations



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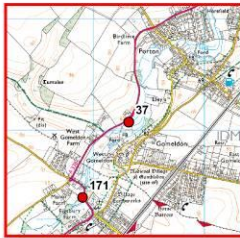
A4 copies of all the maps of prohibited streets are available online at <http://consult.wiltshire.gov.uk> .Printed A4 copies are available on request from the Wiltshire Council licensing team.

To request a printed copy please contact Alissa Davies on 01249 706414, email Alissa.davies@wiltshire.gov.uk or write to:

Licensing Team,
Wiltshire Council,
Monkton Park,
Chippenham,
Wiltshire,
SN15 1ER.

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Amesbury Area Board



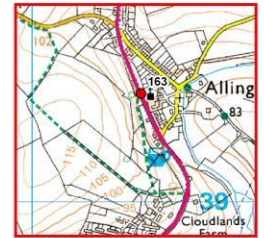
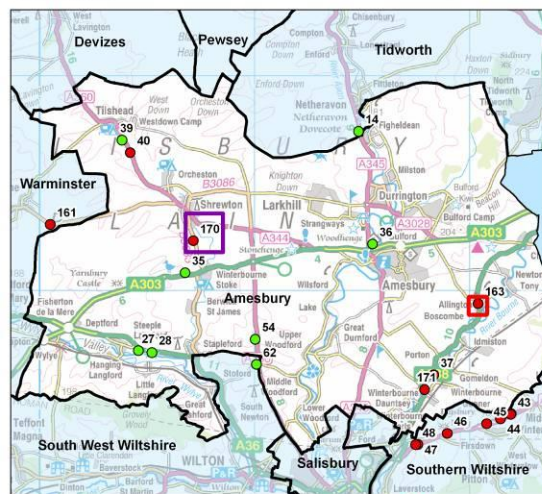
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Amesbury Area Board (area 2)



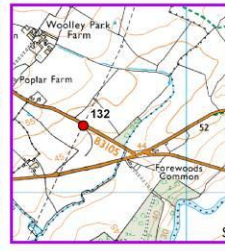
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Bradford on Avon



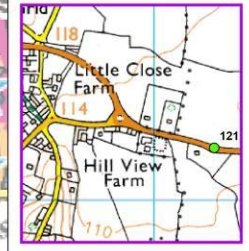
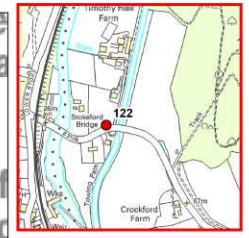
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Bradford on Avon (area 2)



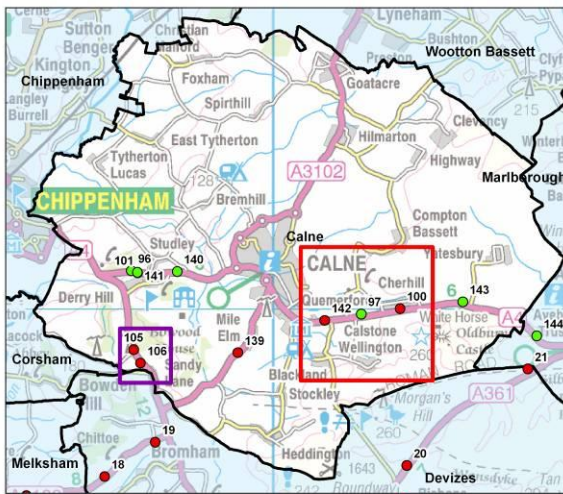
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Calne Area Board



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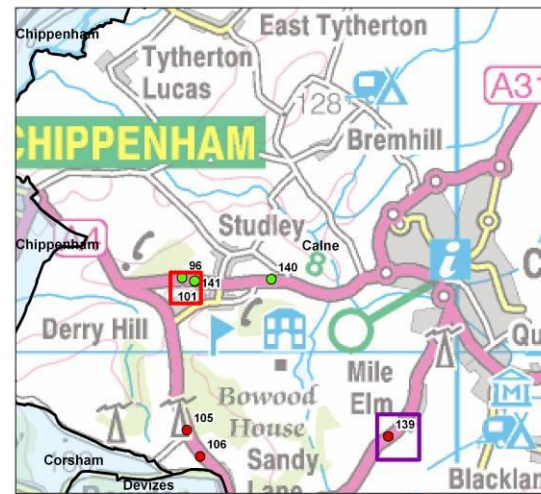
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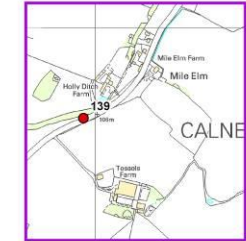
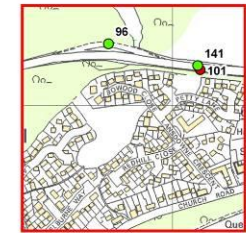
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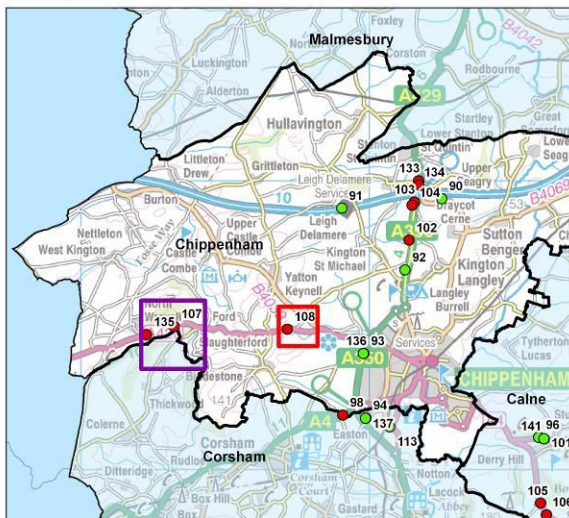
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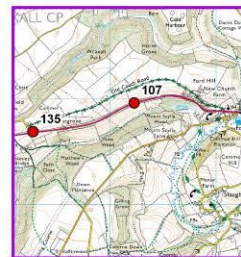
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Chippenham Area Board



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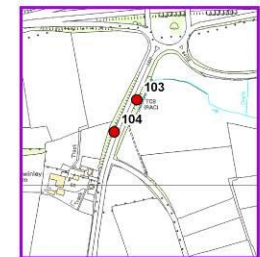
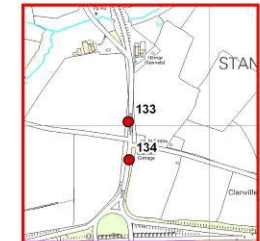
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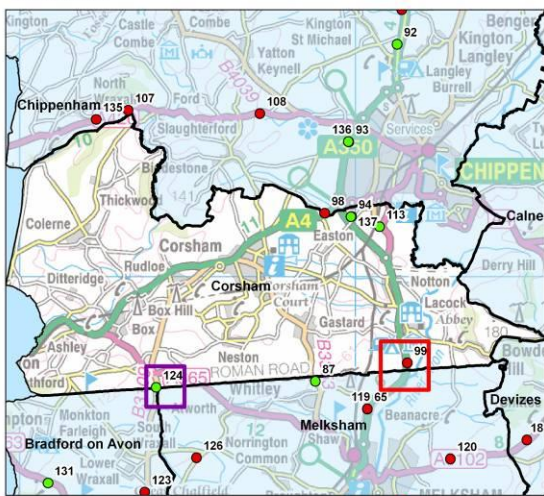
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Corsham Area Board



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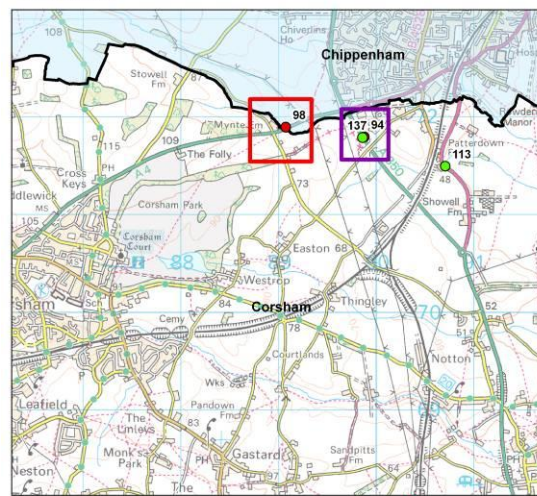
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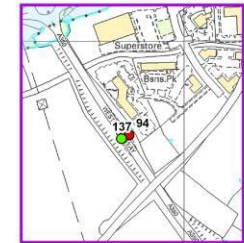
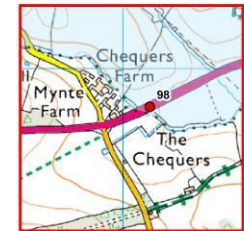
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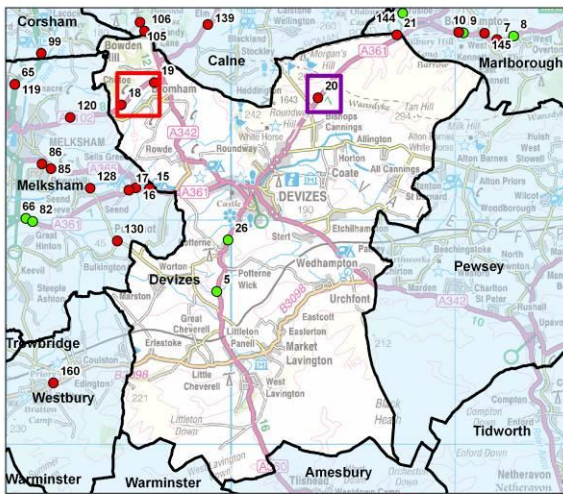
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Devizes Area Board



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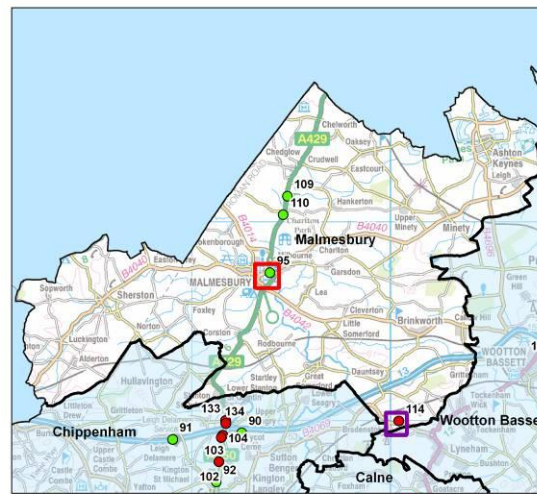
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Malmesbury Area Board



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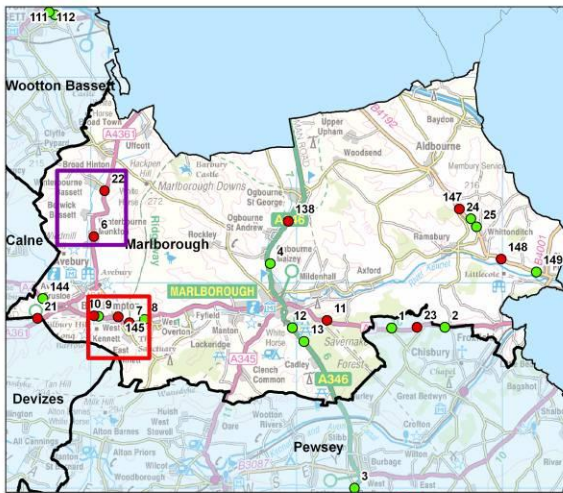
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Marlborough Area Board

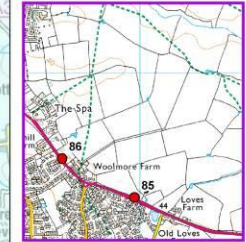
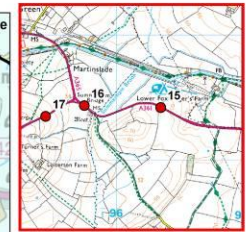
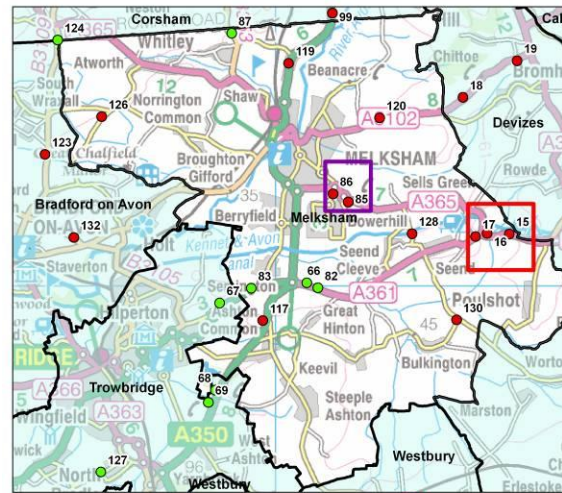


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Melksham Area Board

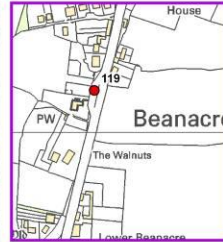
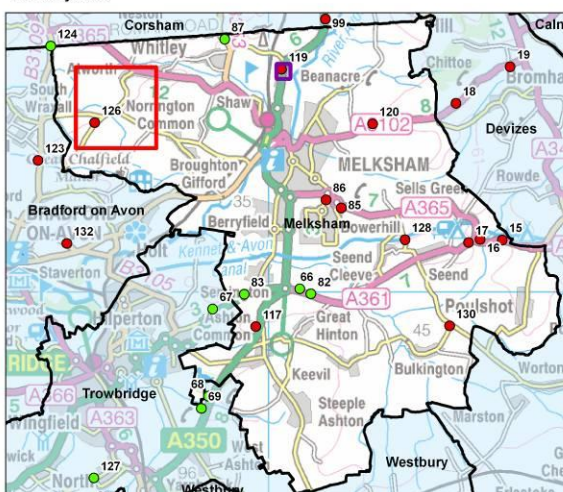


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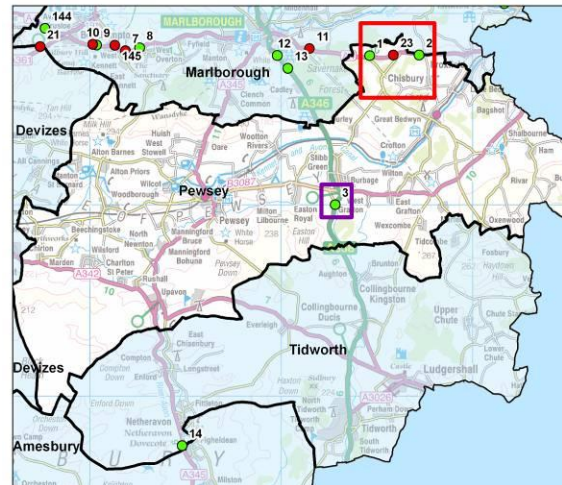


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Pewsey Area Board

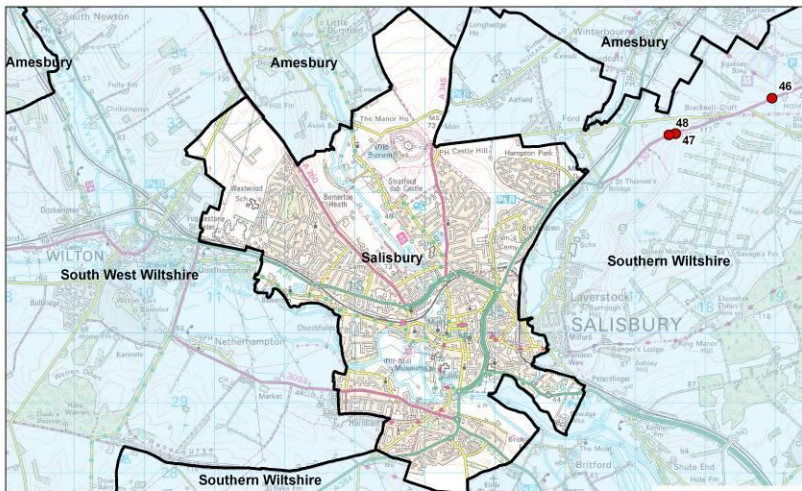


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Salisbury Area Board

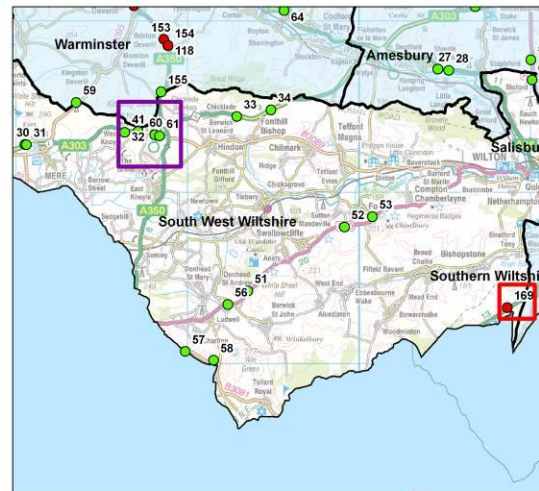


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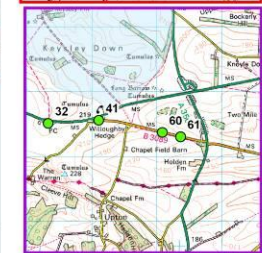
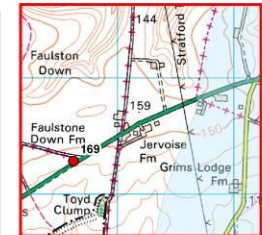
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South West Wiltshire Area Board



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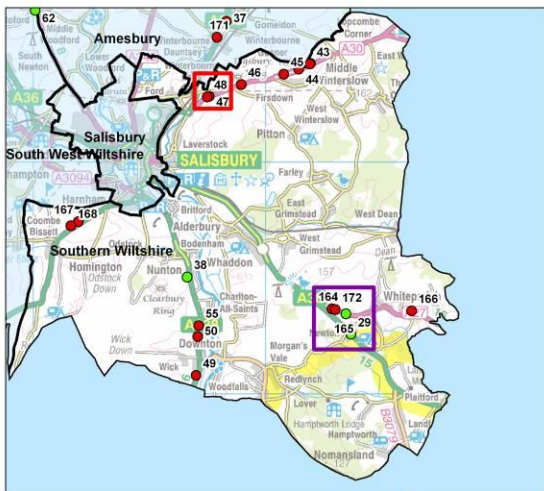
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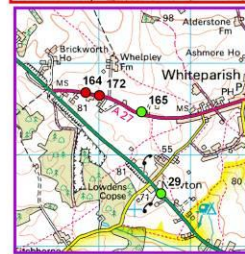
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Southern Wiltshire Area Board



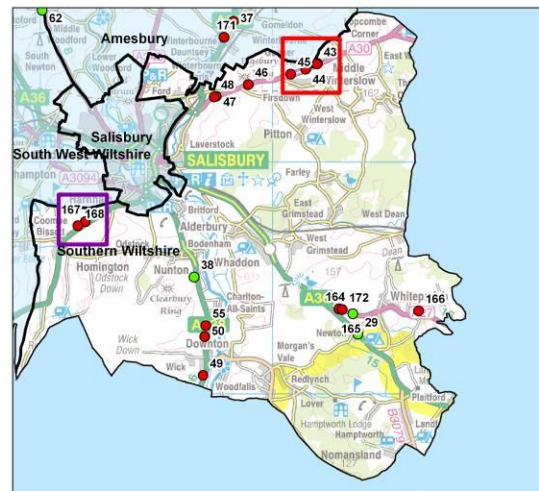
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Southern Wiltshire Area Board (area 2)



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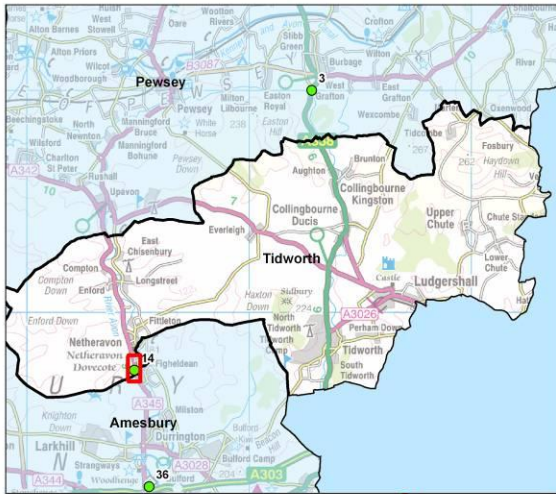
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Tidworth Area Board

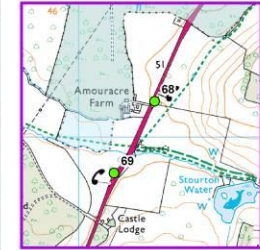
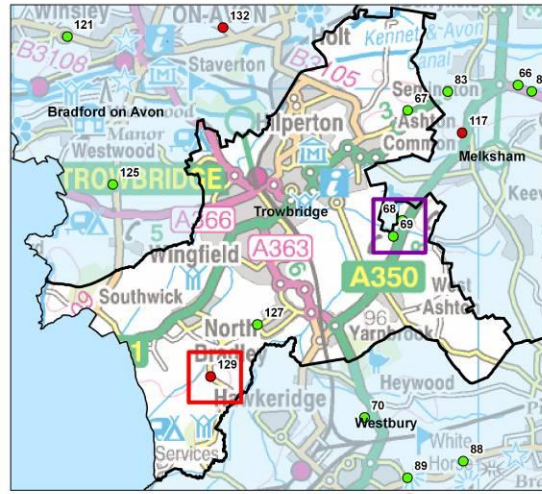


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Trowbridge Area Board

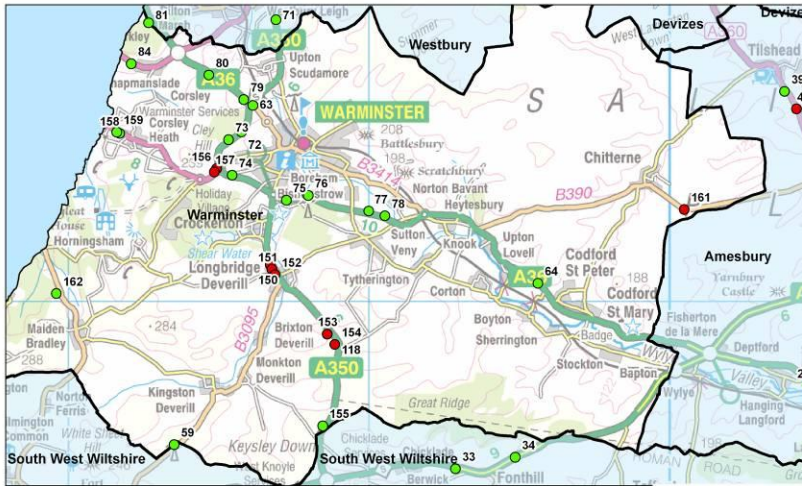


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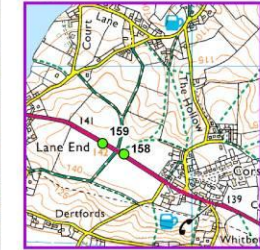
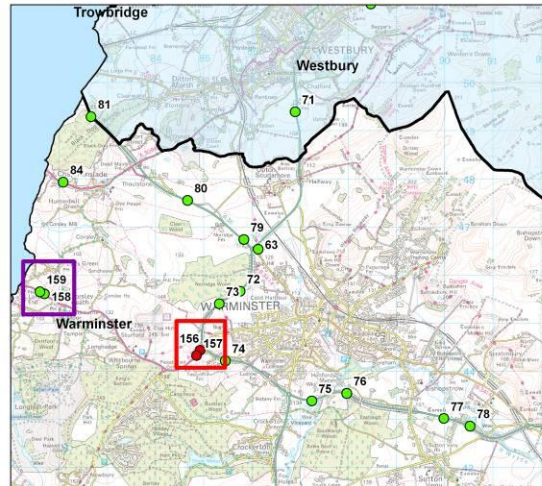


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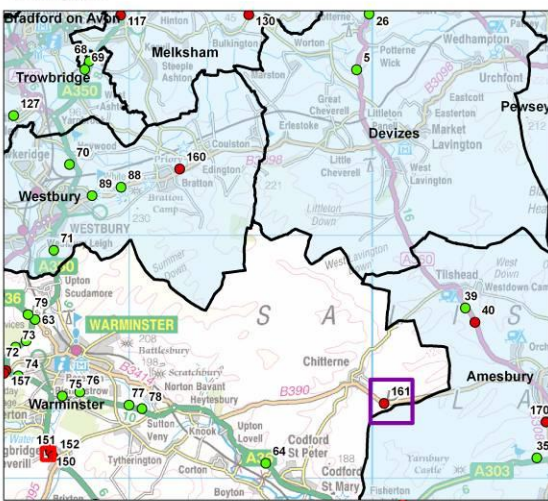
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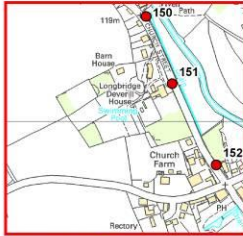
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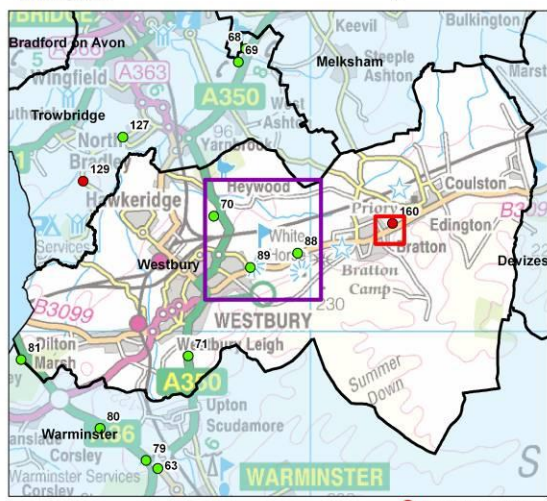
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● Highways Objection
● No Highways Objection



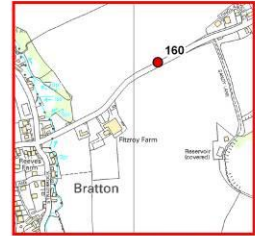
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Westbury Area Board



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● Highways Objection
● No Highways Objection



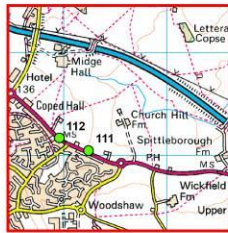
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● Highways Objection
● No Highways Objection



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