

## Wiltshire Council

### Licensing Committee

1 March 2021

---

## Proposed Changes to Wiltshire Council's Street Trading Consent Scheme

### Executive Summary

Wiltshire Council operates a Street Trading Consent Scheme that allows individuals to apply to use Council owned land and highway for street trading purposes on a daily or annual basis. This scheme was approved by Members in April 2012 and is operated under the Local Government (Miscellaneous Provisions) Act 1982. A copy of the council's current scheme guidelines is attached at Appendix A.

All street trading applications are subject to a 30-day consultation and if approved a street trading fee is payable. There are two tiers of street trading fee; in town and out of town. Prices range from £23.95 for a daily out of town consent to £4,133 for an 'in town' annual consent. Appendix B is attached showing the current level of street trading fees.

At present there are 23 active consented street traders in Wiltshire generating income of £61,900 per annum.

The scheme does not currently accommodate those wishing to operate on a round, trading at multiple locations for more than 15 minutes within a single day/week, such as ice cream sellers and village fish and chip rounds.

The scheme does allow those traders who wish to trade from multiple locations to stay in a single location for up to 15 minutes before a street trading consent is required. This period of time is often insufficient for traders so they utilise private land more than 10m from the highway to negate the need for consent under our current scheme.

The Council receives a number of applications of this type each year. To date officers have guided applicants to utilise village halls and pub car parks more than 10m from the highway due to not being able to issue the appropriate street trading consent.

The Council has recently received an application from 'Tis The Future', a Tisbury based group promoting recycling and plastic free food by offering plastic free refills of store cupboard staples e.g. pasta/oats/lentils and local produce. This group wish to operate four-hour slots at various locations in Tisbury, Dinton and Semley.

The scheme does not currently provide for a round such as this. After researching how other local authorities operate street trading, four authorities were identified as operating short term static consents or mobile consents that allowed traders to trade in multiple locations for more than 15 minutes or a single location for a reduced time and rate, allowing traders to apply cost effectively for multiple locations. Advice has been taken from the Council's

Legal Team on whether a multiple site consent can be offered. As a result this report proposes two additional consent options to be included in the Council's Street Trading Consent Scheme for traders who wish to trade across multiple sites.

## **Proposal**

It is proposed that the Licensing Committee considers and approves adopting the proposed changes identified in Section 13 at the end of the report.

The proposed changes are:

- 1. Introduce a Mobile Consent that would allow traders to trade from up to 10 (pre-arranged) locations, up to 3 hours per week (per location).** The cost of the annual consent is proposed at £ 2,066 for 'in town' trading and £1,103 for 'out of Town' trading. These fees represent a 50% reduction on the annual static street trading fee due to the reduced number of working hours available to traders. In town and out of town locations could not be mixed on a single consent.
- 2. Introduce a Short-Term Static Consent that would allow traders to trade from a set location for up to 2 days per week for up to 4 hours per day for a reduced fee.** The cost of annual consent per location is proposed at £1,500 in town and £800 for out of town.

If approved by the Licensing Committee the revised street trading consent scheme will take effect from 01 April 2021.

## **Reasons for Proposal**

- To ensure that the Council's Street Trading Consent Scheme covers all types of trading.
- To provide greater options for income generation derived from street trading.

**Parvis Khansari**  
**Director, Highways, Transport & Waste**

# Wiltshire Council

## Licensing Committee

1 March 2021

---

### Proposed Changes to Wiltshire Council's Street Trading Consent Scheme

---

#### 1.0 Purpose of Report

- 1.1 To provide Wiltshire Council's Licensing Committee with the relevant information to make an informed decision on the proposed changes to Wiltshire Councils approved Street Trading Consent Scheme.

#### 2.0 Background

- 2.1 Wiltshire Council has a statutory responsibility under the Local Government (Miscellaneous Provisions) Act 1982 to provide a street trading application and management process to applicants who apply to street trade in the County.
- 2.2 Wiltshire Council has operated a street trading consent scheme since April 2012 at which point all streets within Wiltshire were designated 'Consented Streets'.
- 2.3 The current schedule allows applicants to apply for consent for a static pitch, in a set location, on a daily or annual basis. Fees are charged on an 'in town' and 'out of town' rate. A copy of the Street Trading Consent Guidelines is included as Appendix A.
- 2.4 The scheme allows for an events operator to apply for multiple stalls in a single location via a block street trading consent.
- 2.5 All traders must supply public liability insurance, gas safety and electrical safety certificates before a consent is issued. All food traders must be food business registered with their local authority.
- 2.6 At present the scheme allows mobile traders to trade from multiple locations for up to 15 minutes per location.
- 2.7 The current scheme has not changed since its introduction in 2012.
- 2.8 There are currently 23 active street traders at static sites across Wiltshire, generating income of £61,900 per annum.
- 2.9 The Council does not currently issue consent for multiple locations.

Standard advice has been to direct applicants to utilise private locations such as village halls, with land owner consent, to avoid the requirement for street trading consent.

### 3.0 Relevance to the Council's Business Plan

3.1 The process of controlling and licensing street traders assists the council in achieving a number of the outcomes in the Business Plan 2017-2027. Adoption of an updated scheme allowing mobile and multiple site consents would assist these outcomes by:

- **Growing the economy** – Increased number of traders providing opportunity for new business growth across Wiltshire who provide access to goods and services throughout. A greater range of consent types would potentially result in an increase in Council income.
- **Building strong communities** – Provision of greater services within our rural economies e.g. fish and chip village van helps build a sense of community and social engagement.
- **Protecting those who are most vulnerable** - Ensuring that the most vulnerable have greater access to services and food provision within their local area, reducing the need to travel. Providing an opportunity for social inclusion.

### 4.0 Main Considerations for the Council

- 4.1 Licensing authorities must ensure that any street trading consent scheme meets trader requirements. At present the scheme does not allow for mobile traders or multiple locations for more than 15 minutes.
- 4.2 Any change to the current scheme to allow traders to trade from multiple locations for a reduced fee may impact the Wiltshire's regular markets. For example, a trader may elect to use a short-term static consent to trade in multiple towns rather than attending a market. This is because the proposed cost of £1,500 equates to £30 a week or £15 per day for the 4 hours trading slot. This is cheaper than the fee currently charged at Council and other markets across the County. The fee is lower as it is acknowledged that traders would not have the benefit of other stalls to draw footfall and all applications are subject to consultation which may not be approved. It should be noted the traders trading time would be reduced in each location and restricted to 4 hours. However, this may be less of an issue for applicants as footfall at markets has graduated to be between 10:00am and 13:00pm in most locations.
- 4.3 Introducing a mobile consent would cover all ice cream sellers, village fish and chip shop vans and mobile traders that currently trade without consent. These traders would now have to apply for consent at additional cost at a difficult time for the economy, this may have a negative reputational impact for the Council.
- 4.4 Introducing the ability to trade for shorter periods, for restricted times and a lower fee may encourage more would be entrepreneurs to try out a business idea, potentially leading to more new businesses and higher employment levels within the County whilst also generating increased income for the Council.

## **5.0 Safeguarding Implications**

- 5.1 The additional consent types, if approved, do not have any additional safeguarding implications or impact over the existing street trading consent scheme.

## **6.0 Public Health implications**

- 6.1 Additional street trading consent types could result in further street trading activity which could be a positive for public health, assist in building stronger communities, provide areas for social inclusion within our communities and provide increased employment. However, the type of trader, such as mobile hot food takeaways serving foods such as fish and chips, burgers and kebabs could negatively impact on our national and local priority of our population achieving healthy weight.

## **7.0 Corporate Procurement implications**

- 7.1 There are no direct procurement implications arising from this report.

## **8.0 Environmental and Climate Change Considerations**

- 8.1 There are potential environmental or climate change considerations arising from this report. The 'Tis the Future' group from Tisbury are looking to utilise a round to sell dry recycling products and plastic free products to have a positive impact on the environment. The new consents may encourage more traders of this type with a positive impact on the environment. However, all trader applications will be treated equally regardless of product type and assessed against the criteria for determining applications within the scheme guidelines.

## **9.0 Equalities Impact of the Proposal**

- 9.1 The impact of these proposals is assessed as 'medium' against the council's statutory responsibilities. The new consents would provide a legal framework for all types of trader within Wiltshire.

## **10.0 Risk Assessment**

### **Risks that officers consider may arise if the proposed decision and related work is not taken:**

- Traders operating a round type business may trade undetected and may not be subject to the management and safety checks placed on licensed street traders.
- Incorrect or unauthorised use of Council land leading to disparity between how certain groups of street traders are treated.
- The overriding principle of street trading consent is to manage street traders, manage their numbers and take into account local opinion through consultation. If rounds type traders go unmanaged, they can just turn up and trade where they like, even if this is not supported by the local community and council.

## **Risks that may arise if the proposed decision is taken and actions to mitigate these risks:**

- There will be existing mobile traders, such as ice cream sellers and village fish and chip vans, that do not support the proposals and see them as a reduction to their income and an additional cost placed on their business at what is a very difficult time. There is potential for adverse publicity and reputational damage as we ask ice cream sellers and other mobile traders to apply for mobile consent.
- There is the possibility that the counties markets could see reduced trader levels as traders may choose to apply for more advantageous positions across multiple locations as the short-term static consent is cheaper than current market rates.
- There is a risk of negative press coverage as a result of traders now having to apply for street trading consent that have not previously been required to e.g. village fish and chip rounds and ice cream sellers.

### **11.0 Financial Implications**

- 11.1 There are no additional costs associated with the implementation of these new street trading consent types. The potential income could be in excess of £40,000. There are at least 20 known ice cream sellers in Wiltshire.
- 11.2 There is no financial impact on current revenue of not implementing the proposals, other than the potential for lost revenue.

### **12.0 Legal Implications**

- 12.1 The Council's Legal Team have been consulted to ensure the legislation allows the scheme to issue mobile and short-term static consents. There is no legal requirement to advertise changes to the scheme.

### **13.0 Options for consideration and approval**

- 13.1 The Markets team propose that the following changes be made to the published Wiltshire Council Street Trading Consent Scheme:
- a. **Implement a new Mobile Street Trading Consent** – This consent can be offered to traders who wish to be mobile and want to stay in a location for more than 15 minutes. This consent would provide a trader to trade from 10 agreed locations over the course of a 7-day period, up to a maximum of 3 hours in each location per week. Trading would be limited to 30 hours per week. The cost of the annual consent is proposed at £2,066 for in town trading and £1,103 for out of town trading. This represents a 50% reduction on the annual static street trading fee due to the reduced number of working hours available to traders. In town and out of town locations could not be mixed on any single consent.
  - b. **Implement a new Short-Term Static Consent** – This consent would be offered to traders who want to operate rounds within villages or towns in Wiltshire. The applicant would be able to trade from a set location for up to 2 days per week for up to 4 hours. The cost of the annual consent per location is proposed at £1,500 in town and £800 out of town.

## **14.0 Conclusions**

- 14.1 To ensure the Street Trading Consent Scheme provides for all types of trading. Consents are required for mobile traders spending more than 15 minutes in a single location. These variations would ensure that all mobile traders are treated consistently and fairly when using the highway or council land to trade.
- 14.2 It is therefore proposed that the Licensing Committee gives permission for the Market team to implement the proposed new street trading consent types.

**Parvis Khansari**  
**Director, Highways & Waste**

---

Report Author: Tom Ince, Principal Compliance Officer  
[Tom.ince@wiltshire.gov.uk](mailto:Tom.ince@wiltshire.gov.uk)  
Tel: 01380 826334

February 2021

---

**The following unpublished documents have been relied on in the preparation of this report:**

### **Appendices**

Appendix A – Wiltshire Council Street Trading Consent Guidelines

Appendix B – Schedule of Wiltshire Council Street Trading Fees