



Elmbridge

Borough Council

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Guidance for making an application for a new Street Trading Consent

We have produced this guidance to help businesses and individuals when applying for a street trading consent in Elmbridge.

We have designated all roads and streets in Elmbridge as either **consent streets** or **prohibited streets** in relation to street trading. Trading from the highway without a street trading consent or trading in a prohibited street, is an offence.

You can only trade in a consent street if you obtain the Council's approval in advance. We will issue a consent for one year and you will need to renew your consent annually. There is no automatic right of renewal.

Please be aware that we will not automatically grant a street trading consent and if we do, we will always require the trader to comply with our general conditions. We may also add specific conditions which relate to the activity and location from which you intend to trade. We will deal with each application on its individual merits, but the Street Trading Policy may help you decide if your application is likely to satisfy the requirements before you submit your application. The purpose of the policy is to help ensure street trading activities don't give rise to annoyance, disturbance or pose a risk to public safety for local businesses and residents or harm the environment.

This guidance provides an outline of the application process and is not a complete statement of the law. The guidance only applies to applications for street trading consents within Elmbridge. If you are looking to trade outside the Borough of Elmbridge, then you will need to contact the relevant borough where you propose to trade.

It is important that you do not rely on this guidance document alone, and if you want to know more you should read the Elmbridge Street Trading Policy. You may also wish to take your own independent legal or professional advice before submitting your application and refer to the Local Government (Miscellaneous Provisions) Act 1982 (the Act).

Before you start your application

Please read the street trading policy, this is essential to ensure you are aware of the conditions that may apply.

Application for a street trading consent requires the use of the online application form. If this is not feasible for you to complete, then please contact streettrading@elmbridge.gov.uk for alternative options. You will need to effectively answer the application questions and provide supporting evidence where required.

Improperly completed forms will be rejected as invalid.

A fee is payable for obtaining a street trading consent. This consists of the application fee (part 1), which must be paid as part of the application process. If the application is successful, then part 2, the issuing fee must be paid in full before the consent to trade is issued.

Fees are reviewed annually and may be viewed on the Council's website or by contacting the Environmental Health & Licensing Service envhealth@elmbridge.gov.uk

What information will the application require?

The applicant must complete an application form and provide details of where you propose to trade from. You will be required to provide information relating to a number of key questions including the proposed activities and operating hours requested.

The application also requires – specific details of the:

- applicant seeking consent – including Disclosure and Barring (Criminal Record Check) (DBS)
- business legal status and insurance arrangements
- vehicle or unit – including dimensions and photographs
- trading details locations - fixed locations only
- operating times
- food and drink trader's specific questions
- payment of the correct fee

Why do we ask for a basic DBS / Criminal Record check?

The Council has a legal duty to promote public safety. The information in your DBS disclosure will help us to determine whether you are a suitable person to be having regular one to one contact with members of the public and potentially vulnerable persons. DBS applications must be made through:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Prohibited Streets.

Under the powers of the **Act**, Elmbridge Borough Council has designated the following streets as Prohibited Streets where street trading is forbidden.

- A245 (Byfleet Road) from the Painshill roundabout to the junction with Brooklands Road
- A244 (Warren lane), Oxshott - all along its entire length
- Copsem Lane, Esher - all along its entire length
- Claremont Lane, Esher - all along its entire length
- A309 (Hampton Court Way) all along its entire length
- A307 (Portsmouth Road, Esher) from the Scilly Isles to Fairmile Lane

You are advised that if you apply to trade from any of these locations your application will be rejected as invalid.

Offences

Under the Act it is an offence to trade in a prohibited street. It is also an offence to trade in a consent street without the consent of the local authority. There are also other offences relating to contravention of various conditions of street trading consents.

A person found guilty of an offence is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Further Information – Trading consents

The Council is under no duty to grant or to renew a street trading consent and under the Act we do not need to specify grounds for refusal. There is no right of appeal against the refusal to grant a consent.

The completed application form and supporting documents will be sent to Surrey Police, Surrey County Council Highways and other parties for vetting purposes. (See the street trading policy for details).

Before any street trading consent which involves the preparation and sale of food is granted, the vehicle, stall or unit must have been inspected and received a Food Hygiene Rating.

Newly established food traders are recommended to contact the Environmental Health food and safety team at the earliest opportunity to discuss this process **before** they submit a street trading consent application.

The Council will only issue street trading consents to individuals; any Company must therefore apply through a named individual.

No motorised stalls or vehicles will be permitted in pedestrianised streets.

We may publish details of all street trading consents on our website. This information will include the name of the business or operator, location of trading, trading times, a summary of the items offered for sale and a brief description of the vehicle and unit. This is to enable the public to be aware of the consented trading arrangements.

Completing the form-

The online form can be saved as a draft enabling you to return and update the information.

If a mandatory field is not completed, you will not be able to submit the application, therefore please make sure you have provided all the required information.

The application form requires you to upload specific information including:

- Basic DBS disclosure
- Photograph(s) of the vehicle or unit
- Public Liability Insurance certificate
- Vehicle insurance certificate (if applicable).

You may also like to upload details of the products due to be sold, brochures etc, helping us to understand better what your street trading offer is.

Application for Consent:

The following notes are offered to help you with completing the form. If you are unclear or unsure after you have read this guidance and the street trading policy, then please contact streettrading@elmbridge.gov.uk or 01372 474734 to discuss your query, before you submit your application.

Note No.	Comment
1*	The consent will be issued to a named individual. It is important therefore that the applicant's details are provided and not just the company name.
2*	The company's registered name needs to be clearly specified.
3*	Where a business 'Trades as' under a different name these details must also be provided. This is to ensure the consent certificate can correctly specify the trader's details and enable the public to identify the name displayed on the vehicle, (or unit) relates to the consent certificate displayed.
4*	If you have ever been refused a street traders license or consent in this or any other areas please provide details, including the rejecting Local Authority area, date of refusal and reason for refusal if known. If appropriate, please provide details of what steps you have taken to resolve the matters.
5*	The Rehabilitation of Offenders Act 1974 governs the Spent Convictions provisions. Further information can be obtained at: https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974
6*	Completing the DBS Application Form - Please refer to Application Forms – A Guide for Applicants' Available at: https://www.gov.uk/government/publications/dbs-application-forms-guide-for-applicants
7*	If more than one applicant is applying to operate the unit, then they must also provide their details and supply their DBS information.
8*	The Council requires all persons who trade in designated streets with the Council's consent to be in possession of public liability insurance cover. (See street trading policy for details). Proof of this insurance will be required to be uploaded upon application for a trading consent.
9*	Details of the waste disposal arrangements you have in place, that satisfy the general duty of care under the Environmental Protection Act are required to be provided.
10*	Details of the street trading vehicle or unit are requested to enable the effective identification of the unit. It is requested that clear and unambiguous information, including photographs is provided.
11*	Details of the articles you propose to sell need to be provided. This needs to be clear to enable us to determine if a business within 200 metres is selling the same product. Therefore, if you are proposing to sell Food – details of the products being offered, eg. Sandwiches, burgers, pizza, fish and chips, tea / coffee, smoothies etc.
12*	If the mobile unit is a motorised road vehicle- then please upload a valid motor insurance certificate.

13*	Proposed location (fixed locations only). Using the mapping system provided, you are able to highlight on the map your intended trading location. It is important to be as accurate as possible when identifying your proposed location, as this will form part of the licence condition where trading will be permitted. If you are found to be trading outside the approved location, you will be in breach of the licence conditions which would be an offence.
14*	The proposed days and times of trading need to be specified and will form part of the conditions of the consent. If at a later date you require these days / timings to be amended then you will need to submit a written variation.
15*	As in 11 above, details of the articles you propose to sell need to be provided. This needs to be clear to enable us to determine if a business within 200 metres is selling the same product. Therefore, if you are proposing to sell Food – details of the products being offered, eg. sandwiches, burgers, pizza, fish and chips, tea / coffee, smoothies etc.
16*	If you are proposing to sell food, you must be registered as a food business. Details regarding registration can be found at: https://www.food.gov.uk/business-guidance/starting-a-food-business
17*	Businesses with a food hygiene rating of 2 or below will not be considered suitable for the issue of a consent and the application would be rejected as invalid.
18*	Details of food hygiene training can be found at: https://www.elmbridge.gov.uk/food-hygiene/book-course/
19*	Eat Out, Eat Well is a healthy eating scheme that encourages caterers to offer healthy eating choices. It is free of charge and further details can be obtained from https://www.elmbridge.gov.uk/food-hygiene/eat-out-eat-well/
20*	The fee forms part of the application and consent issuing process. If the application fee (part 1) is not paid then the application will be rejected as invalid. The part 1 fee is non-refundable to cover the application consideration process. Where an application is deemed successful, an issuing fee (part 2) is payable before the consent is issued. The full fee consisting of part 1 and 2 must be paid in full, before the consent is issued.
21*	If after signing of the declaration, it is found that any of details in the application are found to be incorrect, and was done knowingly or recklessly, then the consent could be revoked. It is also an offence to make a deliberately false statement.

These notes are intended for guidance only and are not authoritative. No responsibility is accepted for errors or omissions. You may wish to seek specialist legal advice before making an application.

If you want to know more about Street Trading in Elmbridge or you want to apply for a street trading consent, and need assistance, then please contact Environmental Services on 01372 474734 or email streettrading@elmbridge.gov.uk

