

BRADDAN PARISH COMMISSIONERS' STREET TRADING POLICY

STATEMENT OF STREET TRADING POLICY 2016



Braddan Parish Commissioners

Commissioners' Offices
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STRATEGIC CONTEXT & OVERVIEW

About this policy

This statement of street trading policy sets out the Commissioners approach to licensing street traders and its standards for those engaged in street trading either from an isolated pitch or within an organised market or event. The Commissioners have produced this street trading policy document to regulate and improve street trading.

The purpose of this policy is to provide a single set of basic rules which will be used to inform the decision making process for street trading. The application of this policy will be consistent with the Pedlars and Street Traders Act 1906 and the Street Traders Amendments Act 1998 and other relevant statutory duties including the need for planning permission where required. Planning permission is however entirely a matter for the Planning Department and should be seen as separate from the licensing process.

Why do we have street trading?

Street trading provides valuable employment opportunities for local people as well as a seedbed for entrepreneurship, allowing new entrants to test their business skills in an environment which has low start-up costs, minimal overheads and an existing customer footfall.

Goods on sale in the street provide convenient access to hot and cold drinks, fresh food and services for local communities, those travelling to work and working within Braddan and visitors to the Parish.

But truly successful street traders can offer more than mere convenience; they can become destinations in their own right, drawing customers from a wide catchment of the Island and during TT they attract an international clientele. Quality street traders can positively strengthen areas in which they are located, increasing footfall and drawing in custom for local businesses.

What does a successful street trader look like?

As a commercial enterprise, street trading needs all the conventional attributes of successful retailing if it is to thrive. The conventional measures of commercial success in retailing – such as sales turnover and profit – are not visible to the licensing authority. But we can get a clear picture of whether street trading is commercially successful through a number of indicators;

- The amount of street trading subscriptions
- Number of new applications, start-ups
- Maintained or improved footfall
- Appearance of stall, quality of goods on offer and the ability to meet local needs or particular demands
- Range which serve local needs
- Satisfied customers who make few complaints to the licensing authority
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From a further standpoint of the licensing authority, a further measure of commercial health is whether street trading is able to pay its own way, in the same way as any other business enterprise within Braddan. It should not be subsidised by the public purse, so an additional criterion of success is whether the administration of an effective street trading regime (including the control of unlicensed street trading) can be operated cost effectively by the local authority.

Street trading must comply with the same rules that regulate comparable economic activities, in terms of fair dealing and impact on the local environment and community. Street trading occupies sites either on or adjacent to the public highway and therefore should justify its privileged position by enhancing, rather than detracting from, the street which it is located. It should not be untidy, unsightly or disorderly. A successful street trader is a good neighbour.

Shopkeepers can be wary of those traders who they perceive as poaching their custom, so the Commissioners as a licensing authority have adopted this policy to govern the types of

goods street traders are allowed to offer, in order to manage tensions between the interests of conventional retailing and existing street traders when considering new licence applications.

Such regimes sought both to limit the goods on offer and to limit direct competition between street traders and nearby shops.

The aim of the Commissioners is to work for “neighbourly” street trading, and to protect those things that are of acknowledged and lasting value, such as the distinctive character of established and successful street traders and shops, and the quality of the local environment.

[Why we need a street trading policy?](#)

There is a need for a common policy that should apply to all street traders. Like all other kinds of business, they should not cause nuisance or inconvenience to their neighbours or to the community within which they are located. Hence, policy for street trading should describe what is expected in terms of responsibly managed stalls, the disposal of waste, not obstructing the highway etc. In these ways a street trading policy does no more than ensure that traders operate within the same general constraints that apply to any other business, requiring that they comply with the law of the land and meet the same minimum requirements and responsibilities that all businesses should observe.

The policy also aims to give clarity and transparency to traders in explaining how “the policy” will be applied, in order to minimise uncertainty and disputes.

Beyond this, the policy aims to put in place controls that are sufficient to protect established local interests, so helping to create the conditions for profitable trade for everyone; and to prevent the sale of goods which are clearly inappropriate to the location. This policy does not aim to “second guess” market forces, only to create the conditions in which they can operate fairly and to the benefit of the community as a whole.

FORWARD

This is the first time the Commissioners have produced an official street trading policy and our aim is to begin raising the standards of facilities and choice whilst maintain fairness and equality across all of our sites. Every effort has been made to ensure this policy is comprehensive and current. However, street trading and the law governing it is subject to change and this policy will be reviewed periodically and whenever there are changes to legislation etc.

The Commissioners want to work with street traders and local businesses to make sure that a wide choice of quality products and services are available.

As the regulating authority we also have to ensure that street trading is well managed and complements, not retracts from other businesses within the area. It should blend well with the fabric of the community, meet customer demands and enhance the local authority area. As a registered business, licenced street traders will be treated as part of the business community and at the same time they should contribute to the local economy and where possible provide meaningful employment opportunities.

Andrew Jessopp
Chairman, Braddan Parish Commissioners

INTRODUCTION

Mobile and static catering units are the most popular form of street trading in Braddan; this is mainly due to the high density commercial and trade areas situated at Spring Valley, Isle of Man Business Park, Snugborough Trading Estate and Ballafletcher Business Park.

The nature of street trading in Braddan is predominantly food and beverages which can provide good value, alternative offerings for residents, workers and visitors; therefore well placed traders should contribute positively to the public realm by satisfying demand through variety and diversity.

The ability to trade in the street can also provide good employment opportunities and an excellent, low risk first step for an entrepreneur. Starting a business as a street trader means fewer barriers to entry, lower overheads and excellent business opportunities.

Attractive well managed stalls and pitches can add to the vibrancy of an area, adding interest, character and function.

Conversely, a poorly managed stall can have a negative effect on an area, leading to obstruction to pedestrians and a visually unappealing street scene.

Street trading in Braddan is regulated under the Pedlars and Traders Act 1906 and the Street Traders Amendment Act 1998, though it is recognised that street trading can also be regulated by other legislation. In order to achieve consensus across all disciplines, this policy has been developed to consider central government Departments such as Planning, Highways, and DEFA.

SUMMARY & PURPOSE

This policy will clarify the reasoning for the introduction of licensing for street traders ensuring that each trader is treated fairly as outlined below;

- Provision of detailed criteria, to provide street traders with a clear understanding of what is expected in order that they may continue to trade confidently;
- Reinforcement of the restrictions on advertising to ensure that areas do not become unsightly;
- Provision for temporary, static and mobile licences;
- Provision for a framework of designated pitches to prevent clustering of identical outlets to better manage the numbers in locations throughout Braddan whilst providing alternative viable trading locations where possible;
- Aligning the hours of trading with other retail outlets where possible but setting restrictions where trading hours may assist the reduction of crime and disorder, public nuisance and improve public safety;
- Allowing for the introduction of designated market areas at the Commissioners discretion;
- Relaxation of permitted goods for designated market areas, allowing traders to apply to sell anything subject to certain conditions, allowing traders to more readily adapt their offer to match consumer demand with greater agility;
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Ensuring the right stalls, in the right places, at the right times, that are properly supported and managed and selling a variety and diversity of goods.

APPLICATIONS

All applications must be made in person at Braddan Commissioners' office. There are two types of licence available, a single site location known as a "stationary licence" or a "mobile licence" which includes numerous sites. When applying for a licence you will be required to submit your desired site for street trading within the application form and your hours of operation. When applying for a mobile licence all intended trading sites must be listed and shown on a map which is required to be submitted with your application.

All licences run for a one year fixed period from the 1st April, and street traders licence renewal applications are to be submitted at least two weeks prior to expiration of existing licence.

The application fee for a new licence is £50.00. Renewal and variations to licence applications also have a fee of £50.00.

The Commissioners, as the licensing authority, will maintain an up-to-date record of all designated street trading licences and locations.

All new applications and renewal licence applications must be accompanied by;

- Two passport sized photographs
- Photographic identification (i.e. valid passport or drivers licence)
- Company's registered address
- Payment for application
- Accredited food hygiene certificate (for catering applications)
- Copy of Public Liability Insurance
- Completed application form
- DEFA Registration Certificate (for mobile food premises)
- Proof of planning permission (where applicable)
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Street trading licence applications will only be considered on the provision that the above criteria are fulfilled.

Licence applications are reviewed monthly at the Commissioners' Board meetings.

LICENCE CONDITIONS

All street traders' licences are issued to the applicant and are non-transferable.

Each street traders licence is subject to conditions which relate to matters such as;

- The licenced trader must be the person who trades
- The goods that may be sold
- The exact site/s where trading may take place
- Any time restrictions that may apply to trading
- Licence must be available for production upon demand
- Proper disposal of waste/rubbish
- Adherence to current legislation
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Where applicable the above restrictions will be set out with the individual licences upon issue and licence conditions may vary subject to the street trader's location.

ADVERTISEMENTS

Advertisements shall only be displayed on a licensed pitch which relate to goods, commodities or services offered for sale or provided on that pitch. Third party advertisements are not permitted unless done so in line with the Commissioners advertising and signage policy as the Commissioners have responsibilities which are provided for in Planning and Development legislation, Local Government Consolidation Act and Litter legislation.

Licence holders may advertise the name of their stall and the goods on offer. Such advertisements must be restricted to a frieze or similar designed place, equivalent to a fascia sign on a shop front.

It is not permitted to illuminate any advertisement on the outside of a stall or mobile unit unless done so with planning consent. A-boards or other free standing advertisements located within the pitch area must be included in a separate application. All applicants will be considered by the Commissioners on the provision that they comply with Section 78 of the Highways Act 1986.

Advertisements can damage the character of some locations and the Commissioners expect a high quality appearance throughout Braddan. Licence holders will be able to advertise the products and service available from their stalls but are not expected to exploit licenced pitches to earn income from advertisements which are not representative of the items sold.

DESIGNATION

The Commissioners will maintain an up to date record of all designated street trading pitches including those which are no longer in use. A separate record of all expired licences and persons that are no longer trading will also be maintained.

Designated pitches which are no longer in use may be offered to new applications as alternative sites should their desired site not be available.

The Commissioners as a licencing authority may subject to the appropriate consultation and notification revoke a designated street trading licence where in the opinion of the Commissioners the area is no longer suitable for street trading or a licenced trader is believed to have ceased trading without notifying the licensing authority. The circumstances under which this may be considered include;

- The trader has not been trading for a period greater than 3 months
- There are altered circumstances due to increased pedestrian footfall, higher traffic counts or altered highway layouts from public highway improvements or construction projects
- Where a trader would adversely affect local pedestrian or vehicular traffic flow causing congestion.

Any decision made by the licensing authority regarding the designation of a street trading site will not be prejudiced by any argument that the pitch has previously been used for street trading or previously judged as suitable.

The licensing authority will consult with the Highways Department, Planning Department and the Police with regards to any sites which are adjacent to or on a public highway.

HOURS OF TRADING

The licensing authority will allow licence holders to operate subject to the following criteria. In general street trading activity should commence and cease in line with other retail and commercial activity in the same vicinity and in any case no later than 21.00 unless there are exceptional circumstances not to do so. This way the rules for street trading are maintained in line with those for other retail premises and nuisance to local residents is kept to a minimum.

Advice from the police is that trading from mobile units or kiosks late at night should be discouraged. An open unit/kiosk tends to encourage people to loiter which can lead to anti-social behaviour, public order offences and crimes such as littering; It is an objective of the licencing authority to prevent such behaviour as the local authority has responsibilities to carry out prevention and enforcement.

Street traders shall not commence trading prior to 07.00, except on Sundays when it shall be 08.00.

All licence applications shall state the required trading times which will be considered by the licensing authority, the requested times are not guaranteed and when applicable will be subject to consultation with the Planning Department, Highways Department and the Police. Trading hours for street trading covered by this policy will be set on the basis of promoting the following purposes;

- Preventing crime, disorder and anti-social behaviour
- Avoiding public nuisance

- Protecting public safety
- Preventing obstruction of the highway
- Effect on location and neighbouring business activity

Licences will not be granted or varied beyond the hours of 07.00 to 21.00 unless there are exceptional circumstances and to do so would promote the purposes of this policy document.

GOODS FOR SALE

The Commissioners as a licensing authority will maintain information about goods currently licensed for isolated static and mobile sites. This information will be made available for traders and potential traders to help make an informed decision about which goods and services may be viable and which area is suitable for them. It will also be used to help manage licensed street trading sites.

Any goods or any combination of goods will be permitted for sale after consideration by the Commissioners as the licensing authority providing that the licence application clearly states the nature of the proposed good(s) and proposed method of selling. Applications may or may not be granted subject the following criteria and additional fees and charges may be applicable where advertising is required;

- The goods or method of sale do not cause or contribute to any covenants or breaches for landowners;
- There are no unacceptable nuisances caused through cooking, such as odours, smoke, noise or litter;
- There is no cause for additional cleansing requirements of the public realm at the expense of the local authority;
- The goods for sale may cause or contribute to crime and disorder;
- An upheld complaint or complaints have been received by the Commissioners about the sale of same or similar goods;
- The goods on sale on neighbouring pitches and the suitability of the proposed goods in relation to these;
- The goods on sale at neighbouring retail outlets and the suitability of the proposed goods in relation to these;
- The pitch is not to be situated directly on any highway which is adopted and maintained at public expense or is privately owned but has implied access for public use through payment or otherwise, without prior written consent from the Highway Board (to be submitted by the applicant).
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Naturally, there are certain goods that a licensing authority considers unsuitable for street trading – such as pets or second hand electrical goods – and traders will not be permitted to sell such items. There are also goods that may generate unacceptable levels of noise, odours, other nuisances, safety concerns and criminal behaviour which will also be deemed as unsuitable for street trading.

In certain circumstances it may be unsuitable for stalls to be close together.

FEES AND WAIVERS

The licensing authority will set fees and charges in consultation with the Isle of Man Office of Fair Trading and may grant waivers subject to certain criteria as set out in this section. However, it is not the licensing authority's policy to waive fees and charges on medical grounds.

Fees and charges are reviewed periodically and in setting them, the Commissioners will only cover its reasonable costs associated with granting, administering and enforcing the licence. A copy of the current fees can be found in the licence application.

The method for payment of fees is annually in advance of the licence term. All fees must be submitted upon application, renewal or variation of a street trading licence. The fees are not refundable upon revocation or surrender of a current street trading licence.

At the discretion of the Commissioners, street trading charges may not be required for charitable or community events.

ELECTRICITY AND OTHER SERVICES

The Commissioners as the licensing authority shall not provide electricity or any other service for a licensed site. Licence holders shall make alternative arrangements for the provision of all services and be responsible for their maintenance and upkeep.

Licence holders are responsible for the health and safety of their site and should ensure that adequate public liability cover is in place.

CONDITIONS, MANAGEMENT AND ENFORCEMENT

GENERAL

Street trading licences are issued with a number of conditions which govern operations such as sites, trading times and fees. Compliance with these conditions is important to ensure fair and consistent trading conditions for all traders. The primary aim of enforcement is to promote compliance of the licensing and regulatory responsibilities of the local authority and enforcement action will be taken against those who fail to comply with licence conditions or those who trade without a licence permitting them to do so.

TRADING CONDITIONS

All street trading licences are restricted relating to goods offered, permitted times and days in which a licence holder can trade and location of licenced site. These conditions are identified during the licence application and approval process and in part are introduced by the applicant when submitting their trading locations and goods.

The Pedlars and Traders Act 1906 sets out the provisions for the licensing authority to charge for licences and the conditions under which licences may be revoked or applications for licences may be refused. This Act also sets out the penalty which is applicable for trading in a street or open space without a licence.

MANAGEMENT AND ENFORCEMENT ARRANGEMENTS

The Commissioners, as the licensing authority have established this policy to enable an appointed officer of the authority to carry out fair management and enforcement regarding breaches of licence agreements and/or enforcement action against unlicensed street traders. This includes regular visits to check attendance and compliance with relevant conditions, monitor conduct and litter control and to maintain an updated licence register.

Where discrepancies arise the local authority will generally use informal means to secure compliance. Only when informal measures fail or when a trader is persistently breaching their licence terms, the Commissioners may take summary proceedings for offences.

LICENSING PANEL

Licence applications will be considered by the elected board members at their monthly meetings. To ensure that each application is treated fairly, all decisions made in relation to the grant or refusal of a licence will adhere to this policy.

Should the licensing panel refuse a licence application or revoke an existing licence an aggrieved trader may, within 7 days on which the decision was made, apply to the Department of Economic Development for a review of the decision. All applications for review shall be in writing and shall be set out covering the grounds on which the applicant seeks a review.

STREET TRADERS' LICENCE APPLICATION

GENERAL INFORMATION

Street trading within the Parish of Braddan is controlled by Part III of "The Pedlars and Traders Act 1906" and the "Street Traders Amendments Act 1998".

Only persons licensed by Braddan Parish Commissioners may trade from the street within the Parish of Braddan. Street trading means to sell, offer or expose for sale in any street or open space any goods or chattels (including, but without prejudice to the following provisions of this definition, any food or drink, whether for immediate consumption or not). Full details of the Acts are available upon request to Braddan Parish Commissioners.

Where the proposed trading includes food business, please ensure that all necessary food and hygiene certificates are in place and presented with the Street Traders Licence Application. It is also compulsory to ensure compliance with the Food Act 1996 where applicable.

No person shall trade in a street or open space within the meaning of the Pedlars and Traders Act 1906 without a licence from the local authority (Braddan Parish Commissioners) authorising him in that behalf. Any person acting in contravention hereof shall be liable on summary conviction to a fine not exceeding £1,000.

A street trader shall at all times on demand produce and show his licence to any of the following persons, any Justice or police constable, or officer of the local authority (Braddan Parish Commissioners).

All street trading licences are non-transferable and must not be used by any person other than the person named on the licence.

APPLICATIONS

All applications must be made in person at Braddan Parish Commissioners Offices, Close Corran, Union Mills, Braddan, IM4 4LZ, office opening times below:
09.00 - 17.00hrs Monday – Wednesday + Friday
10.00 - 17.00 Thursday

There are two licences available; stationary or mobile or; both of which require site locations to be named in the application.

Stationary and Mobile Licences run for a one year fixed period – from April to March and require renewal applications to be submitted at least 2 weeks prior to expiration, the annual licence fee is £50.00.

All licence applications are reviewed by the board of Commissioners during their monthly meetings.

WHAT YOU NEED TO BRING TO THE OFFICE TO MAKE AN APPLICATION

- Two passport sized photographs
- Identification with name and address (i.e. a valid passport and drivers licence/bill)
- Payment for application to be processed
- Completed application form
- Accredited Food Hygiene Certificate (for hot food or fresh food applications)
- Copy of public liability insurance (where required)

LICENCE CONDITIONS

Each street trading licence issued by Braddan Parish Commissioners is subject to conditions. These conditions relate to matters such as;

- The name of the person who may trade
- The goods that may be sold
- The exact site/s where trading may take place

- The time restrictions that apply
- Licence must be displayed when a vehicle, stall etc. are in use
- Disposal of rubbish
- Abide by the Pedlars and Street Traders Act 1906 and any other relevant legislation

Braddan Parish Commissioners may suspend or revoke any licence granted by it under section 24 of the Street Traders (AMENDMENT) Act 1998 for the misconduct of the licensee.

Where Braddan Parish Commissioners refuses to grant a licence under subsection (1) or suspends or revokes a licence in accordance with subsection (4) of the Street Traders (AMENDMENT) Act 1998, it shall immediately give notice of its decision in writing together with its reasons to both the applicant and the Department of Economic Development.

Any trader, who is aggrieved by a decision made by Braddan Parish Commissioners under Section 1 or 24 of the Street Traders (AMENDMENT) Act 1998, may within 7 days of the date on which the decision was made apply to the Department of Economic Development for a review of the decision. This must be done in writing and shall set out the grounds for the review which the Department of Economic Development shall complete within 14 days of the decision made by Braddan Parish Commissioners.



STREET TRADERS LICENCE APPLICATION

I hereby apply to Braddan Commissioners for the: Grant Renewal
Variation of a:-

- Stationary Trading Licence
 Mobile Trading Licence

**PLEASE COMPLETE THE APPLICATION FORM IN BLOCK LETTERS USING BLACK INK
PART A (To be completed by ALL applicants)**

Title: (Mr/Mrs/Ms/Miss) _____

Full Name: _____

Home Address: _____

Postcode: _____ Tel No: _____

Business Address (if different from above): _____

Postcode: _____ Tel No: _____

Email address: _____

Description of articles to be sold: _____

Description of vehicle or stall: _____

Dimensions of vehicle or stall: Length: _____ Width: _____

Registration Number of vehicle or stall: _____

Do you own the vehicle or stall: YES/NO

If not, give name & address of the owner: _____

Address at which vehicle or stall is to be kept when not in use: _____

Have you previously held a Street Traders Licence? Please provide details:

Do you have any other current Street Trading Licences issued by other local Authorities If so,
please provide details: _____

PART B (to be completed by applicants selling food)

Are you registered with Environmental Health as a food premises? YES/NO

If yes, please provide details and copy of certification: _____

This application must be accompanied by a letter from an Environmental Health Officer, stating that the vehicle has been inspected and complies with the requirements relating to structure and services contained within the Food Safety (General Food Hygiene) Regulations.

(i) Date of inspection _____ (within one month of date of application)

(ii) Name of Inspecting Officer _____

Have you had any food hygiene training? YES/NO

If yes, please give details and copy of certification: _____

PART C (To be completed by applicants for a Stationary Trading Licence)

State site where you wish to trade: _____

State days & hours of trading: _____

Part D (to be completed by applicants for a Mobile Trading Licence)

State streets/areas of trading: _____

State days & hours of trading: _____

I certify that I have read and understand the Street Trader's Policy Statement and that all of the above information contained in this application is correct to the best of my knowledge.

APPLICANT'S SIGNATURE: _____

DATE: _____

For Office Use Only

Date Application Received: _____

Receipt No: _____