

# **Street Trading Consent Policy**

**2021**

**(DRAFT)**

**Denbighshire County Council  
Street Trading Consent Policy (Draft)**

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## **1 Purpose**

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**1.1** The Council's Street Trading Policy aims to create a street trading environment which:

- compliments premises-based trading.
- provides diversity and consumer choice.
- supports community cohesion and equalities.
- enhances the character, ambience and safety of the local environment.
- is sensitive to the needs of residents and business.
- highlights the standards expected of street traders.
- provides guidance to those that administer the street trading service.
- aims to prevent the obstruction of the streets of Denbighshire by street trading activities. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.

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## **2 What is Street Trading?**

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**2.1** The purpose of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 (the Act) is to ensure that Councils can properly regulate those who sell without the use of ordinary business premises and, particularly, traders who move from place to place. It is concerned, primarily, with commercial activities, excluding the provision of services.

**2.2** Denbighshire County Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of the County. All streets within the area are designated as Consent Streets except those streets designated as Prohibited Streets. The effect of this designation is that trading on any street is prohibited by law (subject to legal and other exemptions set out in Section 3 below), without first obtaining a Street Trading Consent (a Consent) from the Council.

**2.3** Street trading means 'selling, exposing or offering for sale any article (including a living thing) in a street'. The term 'street' includes 'any road, footway, beach or other area to which the public have access without payment'. For instance, this might include public car parks or lay-byes etc (see also 2.5 below).

**2.4** The fact that a trader has a lease or licence i.e. a right to occupy the land, or has some other form of consent e.g. planning consent or a licence under the Licensing Act 2003, will not override the requirement to obtain a Street Trading Consent where the trading amounts to street trading. Similarly, holding a Consent for street trading will not override any byelaws or remove the obligation on the trader to comply with any other legal requirements e.g. registration as a food business, nor override the duty to comply with the general law concerning e.g. trespass (e.g. the landowner's permission to occupy the land and trade must be obtained prior to making an application for Consent), highways, planning, licensing, health and safety, nuisance, waste disposal requirements etc.

**2.5** Any person street trading without a valid Consent commits a criminal offence. The courts have held that the definition of a 'street' does not depend upon the area of land in question being in public ownership and private land may be classified as 'a street' too if it meets the definition in the Act and the precise circumstances of the trading indicate that it amounts to street trading (street as defined in 2.3).

**2.7** No consent can be given to trade upon any dual carriageway or area under the

Authority of the North and Mid Wales Trunk Road Agency (e.g. the A494, A470 & A5).

**2.8** No consent may be given to any area subject to a byelaw or area subject to a street trading Public Space Protection Order (PSPO)

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### **3 Exemptions**

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**3.1** Some types of trade are exempt from the need to obtain a street trading consent. These include:

- a person trading under the authority of a Pedlars' Certificate granted under the Pedlars Act 1871 (issued by the Police) excluding areas subject to a street trading Byelaw/PSPO or private property.
- trade carried on or at a licensed petrol filling station
- a market trader operating at a market venue which acquired this status by virtue of a grant, enactment or order.
- shops do not require a Consent if they operate within their defined curtilage outside the actual building, providing the trading is, essentially, an extension of the shop etc e.g. where a shoe shop has rails of shoes on display outside the shop; again this does not negate the need to comply with other legislation such as the requirement for a pavement licence (obtainable from DCC), if appropriate:
- trade carried out by 'roundsmen.' A 'roundsman' has been defined as one who visits a 'round' of customers delivering the orders of those customers". e.g. milkmen. N.B An operator of an ice cream unit is not a roundsman and will be considered as a mobile trader.
- charitable collection, unless goods are sold (although a collection permit, under the Charities Act 1992 may be needed).
- Trading in privately run shopping centres with covered mall walkways such as the White Rose Centre and Queen's Market, Rhyl, along with fairs, carnivals, etc where trading is ancillary

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### **4 Street Trading Consents for which fees are not payable**

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**4.1** An application will still be required but Denbighshire County Council will not require the payment of fees for the following street trading activities:

- Goods from working farms sold at or on the premises where they were produced.
- Sales of articles (not for trade) by householders on land contiguous with their homes such as garage sales, for example.
- Goods sold by schools at or on the premises where they were produced.
- Some Community run and/or charitable events supported by the Ward Councillor(s) where the Licensing Section is notified in writing in advance of the event. It should be noted that some types of event will incur a fee, dependent on the nature of the event and the intended Street Trading, along with the number of the intended traders (please refer to Fee Structure at Appendix B).

**4.2** The above does not negate the need to comply with other legislation, such as a Temporary Events Notice, Pavement Licence or Planning Permission.

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## **5 Nature of goods**

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**5.1** The Council would not normally grant a Consent for the sale of goods which conflict with those provided by nearby shops or markets where it may provide an unfair economic advantage to the holder of the Consent.

**5.2** The type of goods permitted to be sold will be considered on a site by site basis having particular regard to local needs, product diversity and specialism e.g. artisan breads, and appropriateness of the proposed location in terms of space and balance.

**5.3** Street trading hours may mirror, normally, those of the shops or businesses in the immediate vicinity except for markets, events or hot food or other takeaway (street foods) where trading hours may be determined on a site by site basis.

**5.4** The Council will not allow the sale of:

- drugs or smoking/vaping paraphernalia,
- non-fishing catapults,
- BB-Guns, or weapons of any kind.
- live (not including fishing bait) or performing animals
- any item that might cause alarm distress or offence (determined by the delegated Officer).
- hot food and drink between 23:00 - 05:00 unless an authorisation is available under The Licensing Act 2003.
- Any item considered illegal under the relevant legislation, eg Counterfeit Goods

**5.5 The above list is not exhaustive and a decision on the type of goods authorised for sale will be made on a case by case basis.**

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## **6 Site Assessment**

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**6.1** In determining whether Street Trading in a particular area is appropriate the Council will have regard to:-

- Any effect on road safety arising from the location of the pitch or from customers leaving or visiting the site
- any loss of amenity caused by noise, traffic, litter or fumes which may affect nearby existing businesses or residents
- whether there is already adequate provision in the immediate vicinity of the proposed trading site
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrians or vehicular access
- whether the pitch interferes with sight lines for any road users e.g. pedestrian crossings or traffic lights
- whether permanent planning permission has been gained
- the original purpose/nature of the item for sale e.g. whether it is a wholly charitable or domestic purposes or is the sale of a service rather than goods.
- the character and ambiance of the requested site.
- the general use of the area.

**6.2** Street Trading may overlap with other regulatory regimes such as Planning Permission, Highways Permission, Food Hygiene and Registration, etc. The Licensing Authority will, as far as possible, seek to avoid duplication of regimes that

already place an obligation on traders. We will do this by requiring evidence of such permissions at the time of application.

**6.3** Prior to applying, please contact the relevant section (below) for details on obtaining permissions:

Trading on Denbighshire owned land: [catherine.jonesblack@denbighshire.gov.uk](mailto:catherine.jonesblack@denbighshire.gov.uk)  
Trading on Denbighshire Streets: [streetworks@denbighshire.gov.uk](mailto:streetworks@denbighshire.gov.uk)  
Some sites may require planning permission: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)  
Food Registration Enquiries: [Food.Safety@denbighshire.gov.uk](mailto:Food.Safety@denbighshire.gov.uk)  
Alcohol and Late Night Refreshment\* [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk)

\*Some events may require a Temporary Events Notice or Premises Licence if they involve the sale of alcohol or late night refreshment and you can apply via this link <https://www.denbighshire.gov.uk/en/licences-permits-and-trading-standards/entertainment-and-alcohol/tens.aspx>

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## **7 Applications**

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**7.1** Street Trading Consents (excluding prohibited streets and highways referred to in section 2.7) may be issued for:

### **Temporary Prime Sites**

These sites are designated for areas where large scale events take place, possibly on an annual basis such as Rhyl Air Show or Temporary Christmas Markets, for example.

- If you are organising an event such as a Christmas Market, we will require a single point of contact to supply details of stallholders and their required documentation. As a point of contact, you may also be asked to attend a Safety Advisory Group Process (SAG) to allow organisers and relevant authorities to meet and plan the event as described at 4.1.

### **Prime fixed sites**

The prime fixed sites will pay a higher fee to reflect the fact that trading in this part of the County is subject to a higher footfall and trading mainly takes place on the street rather than on private land, thereby not incurring additional charges for ground rent.

**Suggest High Footfall areas to be determined but would need to consider Prohibited Streets eg High Streets, Town Squares, etc Also, may wish to consider “fixed/permanent” sites for this purpose.**

### **Standard fixed and mobile sites.**

All other areas of Denbighshire

The standard site pays a reduced fee to recognise that trading in these areas are less lucrative and may face additional costs compared to the prime sites.

### **Special/seasonal event consent**

Maximum of two days (fixed single site/sole trader)

## **Temporary, travelling or seasonal commercial markets**

Maximum of three days (fixed site/multiple traders) Consideration may be given to additional days on a case by case basis.

**7.2** In addition to the above, the following criteria will need to be met before any Street Trading Consent will be issued:

### **Prevention of obstruction or danger to road users**

- To be sited in accordance with highways legislation as appropriate, such that no obstruction is caused to highway users or to adjacent properties
- The position of any vehicle/stand must be such that it does not encourage children to cross any road unsupervised.
- The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he/she must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
- Operator to cease trading, if asked to by an Officer of the Highways Authority or the emergency services or any relevant Authorised Officer of the Council.

### **Prevention of nuisance or annoyance**

- Traders and their assistants employed by them shall ensure the public are treated fairly and with courtesy at all times.
- No music or other broadcasts to be made from the Consent site other than with the permission of the Licensing Authority,
- The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage
- Must not cold call at dwellings within a Cold Calling Controlled Zone
- Noise nuisance must not be caused e.g. from portable generators, chimes, klaxons speakers, under no circumstances will public address systems be permitted (unless part of a commercial or traveling market).

### **Hygiene/waste/H&S**

- All staff must be suitably trained in accordance with relevant Food Safety legislation. Evidence of Food Hygiene training must be available for examination by an authorised officer of the Council at any time when the unit is trading.
- The business must comply at all times with relevant food safety and standards legislation, together with applicable health and safety legislation
- The premises must be currently registered or approved by the Food Authority
- The food premise must have a Food Hygiene Rating of 5 (Very good).
- A refuse contract must be entered into where refuse is likely to be generated, or other suitable and legal waste disposal arrangements must be in place, including waste carriage
- Suitable numbers of Litter bins must be provided and litter collected as appropriate where litter is likely to be generated by customers.

### **Sustainability**

- In line with Denbighshire County Council's Climate Change Commitment and the Well-being of future Generations (Wales) Act 2015 applicants must consider.

- The use of electric, hybrids or low emission vehicles and energy production.
- Providing locally sourced sustainable produce and goods.
- The use of recyclable materials and consumables.

### **Suitability of the applicant**

**7.3** All applicants for a Consent must produce upon application:

- valid basic DBS check (issued within 1 calendar month prior to application)
- proof of identity and address (DVLA Driver Licence, household bill, Passcard, Passport, bank statement).
- Valid immigration/right to work in the UK documentation as necessary
- 1 passport size photograph.
- A completed application form
- Proof of Public Liability insurance (£5 Million)
- Food premises registration (if providing food)
- Photographs and or clear drawings of expected livery.
- List (including street name) or map of all proposed trading locations
- Valid Gas safety certificate if using LPG for cooking

Please refer to Appendix F for guidance on how we use your information or contact us: Email: [dataprotection@denbighshire.gov.uk](mailto:dataprotection@denbighshire.gov.uk)

Tel: 01824 706000

**7.4** When considering whether an applicant is suitable to hold a street trading consent or to work in connection with one, the Council will consider any unspent convictions and will take into account the following:

- Whether the conviction/incident is relevant
- The seriousness of the offence/incident
- The length of time since the offence/incident occurred
- Whether there is a pattern of offending behaviour or similar conduct
- Whether that person's circumstances have changed since the offence/incident occurred, and
- The circumstances surrounding the offence/incident and the explanation offered by the applicant.

**7.5** An application may be refused if the applicant is unsuitable to hold the consent for any reason made known to the Head of Service who will decide if the applicant is a fit and proper person.

**7.6** Consent cannot be issued to a person under the age of 18 years

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## **8 Enforcement**

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**8.1** To achieve compliance with legislation all enforcement will be carried out in accordance with relevant legislation and the service Enforcement Policy.

**8.2** Conditions may be attached to street trading consents detailing the holder's responsibilities to maintain public safety, avoid nuisance and preserve the general amenity of the locality.

**8.3** All traders must ensure that the consent authorisation is clearly displayed to the public at all times.



**8.4** All traders and assistants must clearly display on their person their trader and trader assistant ID badge at all times when trading.

**8.5** Failure to comply with any condition may lead to the revocation of consent.

**8.6** It is an offence to carry out street trading without the consent of the Council and any person convicted of such an offence shall be liable to a fine not exceeding £1,000. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the certificate.

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## **9 Fee Structure**

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**9.1** The Head of Service has delegated authority to review the fee structure and set fees annually. The fee structure is set out at Appendix B (*to be determined*). Applicants will be invoiced for the fee once the application has been determined.

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## **10 Delegation of Functions**

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**10.1** Applications for Consent are delegated to the Head of Service. However, the power to amend street trading designations or to determine contentious applications lies with the Council's Licensing Committee.

**10.2** The Head of Service has delegated the following functions to Officers:

- Issue Consents and attach such conditions that are deemed necessary under the Local Government (Miscellaneous Provisions) Act 1982.
- Refer any application to the Council's Licensing Committee for determination. Where an application is referred to the Committee, each application will be determined on its own merit, along with the contents of the DBS check.. Members of the Committee will consider all information attached to the application.
- Refuse any application for Consent that:
  - In the opinion of the Head of Service does not comply with the Council's conditions and polices.
  - Where a similar application has been refused by the Committee in the previous 2 years.
  - Refuse an application or renewal for any reasonable reason.

**10.3** The Head of Service may:

Where deemed appropriate, reduce the applicable fee or amend any general or specific condition for any application.

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## **11 Renewals**

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**11.1** Street Trading Consents are issued for a period of up to one year from the date of grant (excluding 11.4).

**11.2** Wherever practical on renewal, consent will be issued where appropriate to the present Consent holder.

**11.3** Applicants wishing to renew their Consent must submit their application and pay the relevant fee at least one month prior to the expiry of their current consent.

**11.4** Consents (sites/pitches/routes) cannot be transferred, sold or sub contracted.

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## **12 Decisions**

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**12.1** Each application will be taken on merit, along with the contents of the Disclosure of Convictions submitted with the application

**12.2** Following the determination of an application the Council will notify the applicant of the decision in writing as soon as possible.

**12.3** There is no statutory right of appeal against refusal to issue a Street Trading Consent.

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## **13 General**

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**13.1** This policy will complement and inform other Council initiatives including those with regard to street markets and life in the public realm.

**13.2** This policy will inform the detailed conditions attached to every Street Trading Consent.

**13.3** This policy will be applied in a manner that is consistent with the Council's equalities policies.

**13.4** The Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds.

**13.5** The Authority collects, process and stores some personal data in order to process your application. Please refer to Appendix G for further details on how we process your information.

**13.6** At all times, each application will be determined on its own merit.

**13.7** Every vehicle, van, trailer, stall or other device to be used for the proposed street trading activity must be inspected by an Authorised Officer prior to any trading taking place.

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## **14 Review of the Policy**

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**14.1** This Policy will be reviewed every 3 years. As well as the 3 yearly reviews, the policy will continue to be evaluated and may be updated at any time. Any changes to this policy must be agreed by the Licensing Committee, unless this function is delegated to an appropriate officer.

**14.2** The determination of the fee structure is delegated to the Head of Service and will be reviewed annually.

**14.3** Street trading Consent application fees and charges are not refundable.

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**15    Contacts**

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Licensing (Street Trading)  
PO Box 62  
Ruthin  
Denbighshire  
LL15 9AZ

Email: [licensing@denbighsire.gov.uk](mailto:licensing@denbighsire.gov.uk)

## Appendix A

Licensing (Street Trading)  
PO Box 62, Ruthin  
Denbighshire LL15 9AZ

Email: [licensing@denbighshire.gov.uk](mailto:licensing@denbighshire.gov.uk)

### PROHIBITED STREETS

The council has resolved to adopt Part III of the local Government (Miscellaneous Provisions) Act 1982, as it relates to street trading.

The Council has designated streets within the County as "Prohibited Streets" in accordance with Schedule 4, paragraph 2 of the above Act. If designated, traders, as defined by the Act, trading on these prohibited streets will be liable to legal action.

The resolution is detailed below:-

"On the 15<sup>th</sup> July 2002 Members resolved to adopt Part III of the above Act and designated the following streets as prohibited streets by provisions of Schedule 4, paragraph 2 of the Act, which will come into force on the 19<sup>th</sup> August 2002."

#### RHYL

Abbey Street  
Alexandra Road  
Aquarium Crescent  
Aquarium Street  
Balmoral Grove  
Bath Street  
Bedford Street  
Beechwood Road  
Bodfor Street  
Brighton Road  
Butterton Road  
Chester Street  
Clwyd street  
Conwy Street  
Crescent Road  
Crescent Square  
East Parade - **Part**  
Edward Henry Street  
Elwy Street  
Emlyn Grove  
Fairfield Avenue  
Glanglasfor  
Gordon Avenue  
Gronant Street  
Grosvenor Road  
High Street - **Part**  
Hope Place  
John Street  
Kinmel Street  
Lake Avenue  
Marine Drive  
Market Street - **Part**

Marsh Road  
Maude Street  
Morlan Park  
Morley Road  
North Avenue  
Old Golf Road  
Osborne Grove  
Palace Avenue  
Paradise Street  
Quay Street  
Queen Street  
River Street  
Russell Gardens  
Russell Road  
Sandringham Avenue  
South Avenue  
St Asaph Street  
Sussex Street - **Part**  
Sydenham Avenue  
Tarleton Street  
Thorpe Street  
Vale Road  
Vaughan Street  
Water Street  
Wellington Road  
Westbourne Avenue  
West Kinmel Street  
West Parade - **Part**  
Windsor Street

#### PRESTATYN

Ash Grove  
Barkby Avenue  
Bastion Gardens  
Bastion Road  
Beach Road East  
Beach Road West  
Bridge Road  
Ceg Y Ffordd  
Church Lane  
Eden Avenue  
Fern Avenue  
First Avenue  
Gas Works Lane  
Grosvenor Road  
High Street  
Highbury Avenue  
Kings Avenue  
Lon Alwen  
Maes y Groes  
Marine Road  
Meliden Road  
Nant Hall Road  
Penisadre  
Sandy Lane  
Sea Road  
Second Avenue  
Station Road  
The Mail  
Third Avenue  
Trevor Road  
Victoria Avenue  
Victoria Road

Marlborough Grove

Victoria Road West

**Consent Streets Permit Required**

East Parade- ***Part***  
East Promenade - ***Part***  
High Street - ***Part***  
Market Street - ***Part***

Sussex Street - ***Part***  
West Parade - ***Part***  
West Promenade - ***Part***

## Appendix B

Licensing (Street Trading)  
PO Box 62,  
Ruthin, Denbighshire LL15 9AZ

Email: [licensing@denbighsire.gov.uk](mailto:licensing@denbighsire.gov.uk)

### Fee Structure proposed from (DATE)

Prime Fixed Site

#### **Fixed Consent**

Annual	£
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Standard Site (fixed or mobile)

#### **Fixed Consent**

Annual	£
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#### **Mobile Consent**

Annual	£
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#### **Commercial/Travelling Market**

Per day	£
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#### **Special Occasion/Seasonal**

Per day	£
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Trader/ Assistant /or Replacement ID	£
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Replacement Consent/Licence (paper)	£
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Trader/ Assistant /or Replacement ID	£
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Pre application Check	£ (no guarantee of consent being given)
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Pre application Advice	£ (inc. pre application Check)
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Replacement Vehicle Sign	£
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## Appendix C

Licensing (Street Trading)  
PO Box 62, Ruthin, Denbighshire LL15 9AZ

Email: licensing@denbighsire.gov.uk

### Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4

#### APPLICATION FOR A STREET TRADERS CONSENT

Personal Details: (permit holder)

1	Applicant full name and date of birth		
2	Applicant home address (inc. postcode)		
2	Applicants buisness name		
4	Applicants buisness address (inc. postcode)		
5	Email		
6	Business web/social media sites		
7	Home Mobile		
8	DBS	Date of issue	Reference No
		Approved By	

Do you intend to trade from?

#### Prime site

Fixed Pitch

#### Standard site

Fixed Pitch  Mobile

#### Commercial/Traveling Market

Fixed Pitch

#### Special Occasion/Seasonal

Fixed Pitch

9	Trading Site (give street names and precise location)	
10	Trading name displayed on site or vehicle	(please include photographs and details of any artwork or livery)
11	Proposed Trade Days	
12	Proposed Trade Times (24hr format)	
13	Goods or Articles to be Sold – state type, standard and method of presentation of goods	
14	Type of vehicle / stall / unit	(please include photographs and details of any artwork or livery)
15	Vehicle registration number	
16	Vehicle / stall / unit - height	
17	Vehicle / stall / unit - width	
18	Vehicle / stall / unit – length	
23	Permissions relevant to my application	(please include a copy of certificate/s)

You will need to contact the appropriate sections of Denbighshire County Council to obtain any permissions relevant to your application as detailed below:

Trading on Denbighshire owned land: [catherine.jonesblack@denbighshire.gov.uk](mailto:catherine.jonesblack@denbighshire.gov.uk)  
Trading on Denbighshire Streets: [streetworks@denbighshire.gov.uk](mailto:streetworks@denbighshire.gov.uk)  
Planning permission: [planning@denbighshire.gov.uk](mailto:planning@denbighshire.gov.uk)  
Food Registration Enquiries: [Food.Safety@denbighshire.gov.uk](mailto:Food.Safety@denbighshire.gov.uk)  
Alcohol or Late Night Refreshment [Licensing@denbighshire.gov.uk](mailto:Licensing@denbighshire.gov.uk)

Some events may require a Temporary Events Notice (such as those involving Sale of Alcohol, Late Night Refreshment or Entertainment) You can apply via this link:

<https://www.denbighshire.gov.uk/en/licences-permits-and-trading-standards/entertainment-and-alcohol/tens.aspx>

If you are trading within 15 metres of a street, road or car park, there is a presumption that you will need a street trading consent subject to the other exemptions applying. If



you trade from a position of more than 15 metres from a street, road or car park, please contact the Licensing Service to establish whether a Consent is required as each case is judged on its own set of circumstances. Such circumstances, could, for example be, a staff car park to which the general public have no access.

Have you ever been refused a Street Traders Licence or Consent by this or any other Local Authority?

YES/NO, If yes, give dates and details below, (further information).

I declare that to the best of my knowledge and belief, the answers given are true and I realise that information disclosed in this application form may be made available to other authorised agencies.

If Consent is granted, I undertake to comply with the conditions attached to the grant of the licence, and also comply with the Food Safety Act 1990, where appropriate, and to any other legislative requirements. I also agree to provide a waste receptacle for napkins, etc, which I will remove at my own cost each day.

**I UNDERSTAND** that if I knowingly make a false statement I shall be guilty of an offence and liable to prosecution and that my licence, if granted, may be suspended or revoked.

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

Date: \_\_\_\_\_

**Payment Method:**

The Licensing Authority will raise an invoice once the application has been determined and authorisation granted.

Any further Information relevant to the application

## Appendix D

Licensing (Street Trading)  
PO Box 62, Ruthin, Denbighshire LL15 9AZ

Email: [licensing@denbighsire.gov.uk](mailto:licensing@denbighsire.gov.uk)

### Local Government (Miscellaneous Provisions) Act 1982 – Schedule 4

### APPLICATION FOR A STREET TRADERS ASSISTANT

Personal Details:

1	Full name and date of birth		
2	Home address (inc. postcode)		
3	Home Phone Number	<input type="text"/>	
	Mobile Phone Number	<input type="text"/>	
4	Declaration of Employer: I confirm that I have carried out the necessary checks to ensure that the applicant has all the necessary documentation to carry out the tasks required and to work in the UK	Yes	No
		Signature of Employer:	

Have you ever been refused a Street Traders Licence or Consent by this or any other Local Authority?

YES/NO, If yes, give dates and details below, (further information).

I declare that to the best of my knowledge and belief, the answers given are true and I realise that information disclosed in this application form may be made available to other authorised agencies.

If Consent is granted, I undertake to comply with the conditions attached to the grant of the licence, and also comply with the Food Safety Act 1990, where appropriate, and to any Regulations made hereunder. I also agree to provide a waste receptacle for napkins, etc, which I will remove at the cost of my employer each day.

**I UNDERSTAND** that if I knowingly make a false statement I shall be guilty of an offence and liable to prosecution and that my licence, if granted, may be suspended or revoked.

Signature: \_\_\_\_\_ Print name: \_\_\_\_\_

Date: \_\_\_\_\_

**Payment Method:**

The Licensing Authority will raise an invoice once the application has been determined and authorisation granted.

Any further Information relevant to the application

## NOTES/CHECKLIST

- Consent can be held by more than one person, providing that person(s) has a business interest and authority to manage the street trading site. Once granted, all Consent holders will be held equally responsible for any breach of terms of conditions of a Street Traders Consent.
- Applicants must not be under the age of 18 years.
- Each assistant must complete an Assistant's application form which can be obtained from the Licensing Section. Street trader/assistant ID badges are £- ----each.
- The loss of a trader/assistant ID badge must be reported immediately (replacement badges will be charged at £----- per badge).
- Applicants must each submit a colour, recent passport type photograph (without hat or sunglasses) with their application.
- Applicants for temporary, travelling or seasonal markets must have a single point of contact (applicant) include the number of stalls and the type of goods to be sold (any sale of alcohol must be authorised by either a Premises Licence or Temporary Event Notice).
- **Please ensure you have read and understood the guidance notes. Before you submit your application, tick the following boxes to ensure you have all the necessary documents. Any omissions will result in the return of your application.**

### Check List

<i>Completed application form signed by assistant</i>	
<i>Proof of identity and address</i>	
<i>1 passport size photographs</i>	
<i>Renewals:</i>  <i>Consent Number and Expiry Date.</i> <i>Original Consent (licence)</i>	

**Glossary of Terms used in this Policy**

The following definitions apply when used within this Street Trading Consent Policy:

<b>The Council</b>	Denbighshire County Council
<b>Street Trading</b>	Defined in Paragraph 1 of Schedule 4 of the (Miscellaneous Provisions) Act 1982 as “the selling or exposing or offering for sale of any article (including a living thing) in a street”.
<b>Street</b>	Any road, footway, beach or other area to which the public have access without payment; and a service area as defined in Section 329 of the Highways Act 1980.
<b>Consent Street</b>	A street in which trading is prohibited without the consent of Denbighshire County Council.
<b>Prohibited Street</b>	A street in which street trading is prohibited.
<b>Consent Holder</b>	The person (or persons) to which consent to trade has been granted by Denbighshire County Council.
<b>Static Street Trader</b>	Trader granted permission by Denbighshire County Council to trade from a specified position.
<b>Mobile Street Trader</b>	Trader who moves from Street to Street.
<b>Authorised Officer</b>	An officer authorised by Denbighshire County Council to act in accordance with the provisions of The Local Government (Miscellaneous Provisions) Act 1982.
<b>Commercial Market</b>	A gathering of stalls for the sole purpose of profit for the organiser or stall holders.

## **Appendix F**

Licensing (Street Trading)  
PO Box 62  
Ruthin, Denbighshire LL15 9AZ

Email: [licensing@denbighsire.gov.uk](mailto:licensing@denbighsire.gov.uk)

### **How we use your information - Privacy notice for Licensing**

The proper handling of personal information by Denbighshire County Council is very important to the delivery of our services and maintaining public confidence.

Personal data is any information that relates to a person who can be directly or indirectly identified from the information. The terms 'information' and 'personal data' are used throughout this privacy notice and have the same meaning.

To ensure that the Council treats personal information correctly, we seek to adhere in full to the requirements of Data Protection legislation.

This privacy notice has therefore been produced to explain as clearly as possible what we do with your personal data.

#### **1. The purposes for which we use your personal data**

The information we collect about you is used to:

- Process and decide on licence/permit applications
- Process notices
- Provide public register information
- Investigate complaints
- Conduct regulatory enforcement activity, including with partner agencies

The legal basis for the processing of your information is to comply with our legal obligations under the following:

- Licensing Act 2003
- Gambling Act 2005
- Local Government (Miscellaneous Provisions) Act 1976
- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1982
- House to House Collections Act 1939
- Police, Factories etc. (Miscellaneous Provisions) Act 1916
- Hypnotism Act 1952

If you do not give us the information we need when we ask for it, this may result in the Council being unable to determine your licence or permit application, process your notice or comply with our statutory obligations.

## **2. What type of information do we use?**

We collect the following types of personal data about you to deliver this service, depending on your circumstances:

- Name
- Address
- Date of birth
- Gender
- Unique reference number
- Telephone number
- Email address
- Bank/payment details
- Employment and education details
- National Insurance details
- Images/photographs
- Vehicle registration number
- Information about your health
- Your racial or ethnic origin
- Criminal convictions and offences

## **3. Do we use information received from other sources?**

To provide this service, we collect information directly from you but also receive information from the following external sources, depending on the type of licence:

- The Fire & Rescue Service
- The Police
- Disclosure & Barring Services
- NHS local health boards
- Immigration services
- Foreign Embassies if you are a foreign national or have lived abroad
- National Fraud Initiative
- National Register of Taxi Drivers
- Department for Work & Pensions
- HM Revenue & Customs
- DVLA
- Other local authorities

We also receive information from the following Council services:

- Environmental Health
- Trading Standards
- Planning
- Children's Services
- Resources
- Highways

- Events Safety Advisory Group
- Chief Executive's department
- Legal Services

#### **4. Transferring your information abroad**

Your information will not be transferred outside the United Kingdom.

#### **5. Who has access to your information?**

We share your information with the following recipients depending on your circumstances:

- The Fire & Rescue Service
- The Police
- Disclosure & Barring Services
- NHS local health boards
- Immigration services
- Foreign Embassies if you are a foreign national or have lived abroad
- National Fraud Initiative
- National Register of Taxi Drivers
- Department for Work & Pensions
- HM Revenue & Customs
- DVLA
- Other local authorities

Where an application or issue has to be considered by the Council's Licensing Committee or a sub-committee information about you will be heard in public.

There are also other specific situations where we may be required to disclose information about you, such as:

- Where the Council is required to provide the information by law
- Where disclosing the information is required to prevent or detect a crime
- Where disclosure is in the vital interests of the person concerned

#### **6. How long we will keep your information**

We will keep your information for as long as the licence exists or up to 6 years after registration or entitlement lapses or in the case of authorisations for larger events we may keep the information for up to 20 years, in accordance with the Council's Retention Guidelines.

#### **7. Your Data Protection rights**

You have the right to:

- Obtain access to the personal data that the Council is processing about you
- Have any inaccurate or incomplete information rectified (corrected)
- Withdraw your consent to processing, where this is the only basis for the processing



- Make a complaint to the Information Commissioner's Office (ICO), the independent body in the UK which protects information rights

In some circumstances, you may have the right to:

- Object to the processing of your personal information
- The erasure of your personal data
- Restrict the processing of your personal information
- Data portability

## **8. Contact details**

For more information regarding this privacy notice and your rights, please contact:

Data Protection Officer  
Denbighshire County Council  
PO Box 62  
Ruthin  
Denbighshire  
LL15 9AZ

Email: [dataprotection@denbighshire.gov.uk](mailto:dataprotection@denbighshire.gov.uk)  
Tel: 01824 706000

Contact details for the Information Commissioner's Office along with further guidance on Data Protection legislation can be found on the ICO website: [www.ico.org.uk](http://www.ico.org.uk)