

CONTROL OF STREET TRADING GUIDANCE NOTES AND BACKGROUND INFORMATION

1. GENERAL

In a holiday resort, the sale of such commodities as ice cream, confectionery, beach goods and so on is a traditional and attractive feature of the seaside scene and, on some sections of the Shepway coastline, mobile traders are the only means of meeting demand.

In rural areas, where shops and public transport may be lacking, mobile shops provide an important service.

The Council believes that street trading requires control for the following reasons: -

- (a) To ensure that traders in food meet an adequate standard of food hygiene and minimise any health risk.
- (b) To control nuisances which can be associated with street trading such as noise, smell and litter.

2. APPLICATIONS

The following rules apply to all applications:-

- (1) Traders in food must be registered with the Council under the provisions of the Food Safety Act 1990.
- (2) Only food, beach goods and souvenirs may be sold. Food includes milk, ice cream, confectionery, fruit and vegetables, soft drinks, hot food and beverages, wet fish and seafood. Souvenirs include novelties and balloons.

The Trader shall not:-

- (3) Sell any article other than souvenirs or novelties in the following streets
 - (i) Sandgate Road Folkestone from its junction with West Terrace to its junction with Guildhall Street
 - (ii) Guildhall Street Folkestone from its junction with Sandgate Road to its junction with Foresters Way
 - (iii) West Terrace Folkestone - for its entire length
 - (iv) Alexandra Gardens, Folkestone - from its junction with Sandgate Road to its junction with Oxford Terrace
 - (v) The trader shall not be able to trade and sell any article on Thursdays and Saturdays, when the street market is being held, in Guildhall Street, from its junction with Sandgate Road to its junction with Foresters Way and Sandgate Road for a distance of 22 metres in a southwesterly direction from its junction with Guildhall Street unless authorised as part of the street market

- (4) Between 0800 hrs and 1700 hrs on Thursday and Saturday of each week a street market operates in Guildhall Street, Rendezvous Street and the lower end of the Sandgate Road pedestrian precinct. During the times that the street market is in operation, the only street trading allowed in those streets is under the Street Trading Consent issued to the market operator.

The range of goods allowed to be sold under the street market operator's Street Trading Consent is contained in the special conditions applicable to the street market and are:-

Silk flowers
Underwear/socks etc
Shoes/boots
Health foods
Fabric/material
Bread/cakes/tinned foods
Toys/games
Greengrocery
Carpets and rugs
Plants and Flowers etc
Dried flowers/pot pourri
Egg/bacon/cheese
Greeting card (decorations)
Children's wear/goods
Men's fashion (New and 2nd hand)
Ladies' fashion (New and 2nd hand)
Hot food and drink vehicle
Household goods (hardware)
Watches/batteries/sunglasses etc
Jewellery/ethnic trinkets/beads etc
2nd hand vacuum cleaners (parts and repairs)
Bric-a-brac antiques collectables/memorabilia
Butcher (self-contained refrigerated vehicle)
"Swag Man" (£0.50p to £5.00 stall, containing a variety of goods)
Fresh fish
Shell fish
Doughnuts
Ice cream/ice lollies

- (5) Sell any article between 21.00 hours and 09.00 hours
- (6) The Council can limit the total number of traders to a prescribed maximum. (This is yet to be determined.)

3. CONDITIONS

All Street Trading Consents are subject to conditions which are summarised below. These are "good house keeping" measures to make sure that street trading is lawful, safe, accountable and that the interests of consumers and residents are adequately safeguarded. A full set of conditions will be supplied on request.

- (1) The consent is personal and may not be transferred to anybody else.
- (2) A copy of the consent must be clearly displayed by the trader in his vehicle etc, at all times that trading is taking place.
- (3) A copy of the certificate of insurance must be clearly displayed by the trader in his vehicle etc, at all times that trading is taking place.
- (4) The trader can only sell the items specified in the form of consent.
- (5) The trader to observe, perform and comply with all relevant bye-laws and road traffic provisions.

- (6) The trader's vehicle must be properly taxed, insured and have the benefit of a valid MOT certificate (if appropriate).
- (7) The trader must not knowingly cause any nuisance or annoyance as a result of his activities or cause a material obstruction of the highway.
- (8) The trader's vehicle not to wait for the purposes of trading in any residential street for a period longer than 30 minutes on any one day by any individual consent-holder except in the pedestrian precinct in Folkestone Town Centre.
- (9) The trader must comply with the reasonable requests of a duly authorised officer of the Council.
- (10) The trader to indemnify the Council against any claims arising from the street trading activities and maintain a public liability insurance policy with the limit of indemnity not less than £2 m for trade in non-foods and £5 m for trade in foods (minimum excess to £250).
- (11) Street trading may not take place before the hour of 0900 nor after 2100 hours on any day.
- (12) No trader may sell in Beach Street, Folkestone any article other than seafood and otherwise than from a barrow of a design approved in writing by the Council.
- (13) No trader shall sell any article in New Romney High Street except wet fish.
- (14) No trader shall during school term time sell any article in any part of a street adjoining a primary or secondary school and within 250 metres of that part of such a street.
- (15) Street trading in Folkestone town centre precinct is restricted. Holders of Street Trading Consents who wish to trade in the precinct should first check with the Council - if unapproved items are sold the consent will be cancelled. See paragraph 2.3 above

4. PROHIBITED STREETS

- (1) Marine Parade, Folkestone - for its entire length.
- (2) Marine Crescent, Folkestone - for its entire length.
- (3) Sandgate Road, Folkestone - from its junction with West Terrace to its junction with Sandgate Hill.
- (4) The Lower Sandgate Road, Folkestone - for its entire length.
- (5) The Harbour Approach Road, Folkestone - for its entire length.
- (6) Park Farm Road, Folkestone, outside Park Farm Primary School and Channel High School - from a point 250 metres south of Park Farm Primary School to a point 250 metres north of Channel High Street.
- (7) The Leas, Folkestone (carriageway and footways only) - for its entire length.
- (8) The Stade, Folkestone (carriageway only) for its entire length.
- (9) Twiss Road, Hythe - for its entire length.
- (10) West Parade, Hythe - for its entire length.
- (11) South Road, Hythe - for its entire length.
- (12) Stade Street, Hythe - from its junction with South Road to its junction with West Parade.
- (13) The A259 at Dymchurch - from its junction with High Knocke bridge to its junction with Sycamore Gardens.

- (14) The High Street, Lydd - for its entire length.
- (15) Tontine Street, Folkestone - for its entire length.
- (16) South Street, Folkestone - for its entire length
- (17) From 10 September 1993 - Dover Road, Folkestone from its junction with Grace Hill to its junction with St Michael's Street.

5. LICENSED STREETS - (THE LANTERNS SCHEME)

The following streets in Shepway are licensed streets for the purposes of street trading control. This means that only holders of specific licences issued by the Council may trade there.

- (1) Church Street, from its junction with Rendezvous Street for a distance of approximately 22 metres.

From Rendezvous Street for a distance of approximately 65 metres from its junction with Church Street.
- (2) The passageway from Rendezvous Street leading to St Eanswythe's Terrace for a distance of approximately 33 metres and the passageway to the rear of the Old Town Hall for a distance of approximately 30 metres.
- (3) Between 0800 hrs and 1700 hrs on Thursday and Saturday of each week, a street market operates in Rendezvous Street. During the times that the street market is in operation the only street trading allowed in that street is under the Street Trading Consent issued to the street market operator. The range of goods allowed to be sold under the street market operator's Street Trading Consent is listed 2 (4) above.

6. FEES

(a) Street Trading Consent

The Street Trading Consent lasts for a year.

- (b) The annual fee for the grant or renewal of a Street Trading Consent is £225.00 for a mobile vehicle or stall (2009/2010).

(c) Street Trading Licence (The Lanterns)

Whilst the street market is licensed to operate on Thursday and Saturday of each week, a pro-rata licence fee will be charged for the remaining five days of each week. Therefore, the issue or renewal of a licence pro-rata is £46.00 (2008/2009) for a 13-week period.

7. REVOCATION

- (a) The Council may revoke a Street Trading Consent at any time. It will be revoked in cases of wilful or persistent non-compliance with consent conditions.
- (b) A street trading licence may only be revoked on certain grounds laid out in the statute governing trading in streets.

PLEASE READ SPECIAL NOTES BELOW CAREFULLY

ALL STREET TRADERS

PLEASE NOTE

Five sites within the Shepway District are concession sites for the sale of ice cream only. These sites have been tendered for and concessions awarded, they are therefore not available for the use of any other Street Traders. The five sites are as follows:-

Farthing Common, Stone Street
East Cliff Car Park, Folkestone

Site Adjacent to Royal Military Canal and Hythe Cricket Club
New Lade Car Park, Lydd
Coast Drive Car Park, Littlestone (rear of Greatstone Garage)