What information must you provide to us?

To help us consider your application we would like you to show us:

1. That you have completed the attached application form fully in every respect.
2. That you have identified clearly the proposed trading location you wish to use. A plan will be required to identify the site.
3. That you can produce evidence of third party public liability insurance in the sum of £5,000,000.
4. That you give us details of any other employees or persons who may assist you in your trading.

WARNING
For new applications we may consult with other officers, the Police and Ward Councillors.

Granting / Renewing Your Consent

Once you have completed steps 1-4 above we will be in a position to issue your consent which will normally expire on 31 March annually, although sometimes we might grant a consent for a limited “trial” period. You must provide:

- The consent fee (or arrange to pay by instalments) - the fee will be shown on the application form.
- A recent passport size colour photo of the applicant.

WARNING
If you fail to pay the prescribed fee or fall behind in your instalments we have authority to revoke your consent immediately.

Any consent will be granted or renewed subject to special and standard conditions. Failure to abide by the conditions shown on your consent may lead to a prosecution against you or the revocation of your consent. There is no right of appeal to the Magistrates if we refuse to grant, renew or revoke a consent.
Introduction
If you want to sell, expose or offer for sale any article (including a living thing) in a street, then you must hold a street trading consent issued to you by Portsmouth City Council. It is an offence to engage in street trading without the benefit of a consent.

This leaflet tells you:
- What legal requirements you must meet to get a consent
- What policy guidelines we have adopted
- What information we need from you to enable us to consider your application.

We will be asking you to complete an application form (attached) and to provide other information in order that we can process your application. All information received will be treated with respect and in confidence.

Please read this leaflet carefully. Feel free to ask (or phone) for advice at any time.

What are the legal requirements?
The main Act of Parliament concerning street trading is the Local Government (Miscellaneous Provisions) Act 1982. This act allows us to control street trading in three distinct ways by classifying streets as:
- Licensed streets
- Prohibited streets
- Consents Streets.

In Portsmouth we have resolved to adopt the "consent" street status for all streets to regulate trading activities. This is a simpler, more effective means of control and is defined as follows:

"Consent Street" means a street in which street trading is prohibited without the consent of the Council.

and

"Street" includes any road, footway, beach or other area to which the public have access without payment.

We have a general discretion in granting or renewing a consent but we cannot approve your application unless we have a general discretion in granting or renewing a

area to which the public have access without payment.

"Street" includes any road, footway, beach or other

Trading is prohibited without the consent of the Council.

"Consent Street" includes any road, footway, beach or other area to which the public have access without payment. We have a general discretion in granting or renewing a consent but we cannot approve your application unless we are satisfied that:

i) You are at least 17 years of age. (No child can be employed or engaged in street trading by their parents - see Section 20 of the Children and Young Persons Act 1933) as amended.

ii) You have submitted your application in writing.

iii) Your proposed trading location will not conflict with our adopted policy guidelines (shown in this leaflet).

If you wish to sell hot food and/or drink between 2300 - 0500 you may need a premises licence under the Licensing Act 2003.

For clarification purposes a street trading consent would be required in the following activities:
- A pedlar - although you cannot set up a stall or stop in any one location for a period of time - you must trade as you travel and not travel to trade.
- A market fair
- A trunk road picnic area
- A news vendor - although you must sell only newspapers or periodicals and/or have a stall occupying less than 1 metre in length/width or 2 metres in height. Further, any stall must not stand on the carriageway of a street.
- A roundman - for example milkmen, coalmen and other persons who go to regular customers.
- A highway amenity for structures on the highway to provide for recreation, refreshment or the production of income - note a separate permission must be obtained from us.
- A charitable street collection.
- Trading carried out at a petrol filling station.
- Trading in and around shops (including in a street adjoining shop premises so used as part of the business of the shop).

You do not require a consent to trade from private land (such as a beer garden, car park or other area) where the public are denied general rights of access or have to pay to enter. You might however need to separately obtain permission and/or the express permission of the Council (as landowner) if we own or are responsible for the land.

Our Policy Guidelines
To help us deal with your application and to also allow you to know at an early stage whether your application is likely to be supported we have adopted the following guidelines:

General
1. The trader shall provide a service which is of benefit to the public.
2. The use shall not be in direct competition, in terms of goods primarily sold, with that provided by a nearby retail shop, restaurant or hot food take-away.
3. The number of traders in any one street shall be limited so as not to cause undue concentration.
4. The siting and operation of any trader shall be such that it does not cause any problems of highway safety, obstruction to users of the highway, or conflict with the requirements of emergency vehicles.
5. Uses involving the sale of food and noise emission shall meet the requirements of the City Council and these should be identified before a consent is considered.
6. The appearance and use of associated equipment or structures shall be of good quality and the precise appearance of the facility shall be identified before a consent is granted.
7. The use shall not be likely to cause problems of noise, smell, litter or late night disturbance, especially in residential streets.
8. The use shall be compatible with the character of the area in which it is proposed to be situated.

Precincts
9. The precise siting shall be agreed before the use commences and shall subsequently be maintained at all times in the agreed position, in order to prevent any obstruction to pedestrians or conflict with the requirements of emergency vehicles.
10. The use shall not be located in the vicinity or within 50 metres of an existing shop, restaurant or hot food take-away which primarily sells the same goods.
11. The use shall not be likely to cause problems of noise, smell, litter, queuing or other nuisance.

12. No temporary duration street trading consents will be granted for the precinct area(s).

WARNING
NOTE: There are no available pitches in Commercial Road/ Arundel Street Precinct or Palmerston Road Precinct.
We have approval to refuse to grant, renew or to revoke a consent if your proposed trading will result in unfair competition or affect highway and/or road safety considerations.