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.

Portsmouth City Council will process your personal information in accordance with data protection law. The personal details provided by you will be used for licensing service purposes. Your details will be held on a database and where the law allows, may be shared with other departments within the council to update details they hold about you. The Council may also be required to disclose personal information to third parties (such as Police, Department for Work and Pensions or for the National Fraud Initiative) for the purposes of preventing or detecting crime or apprehending or prosecuting offenders.

For further information about how the Council collects and uses personal information please visit our website: https://www.portsmouth.gov.uk/ext/the-council/data-protection-privacy-notice

This is an information leaflet and not a statement of law or how we will deal with each individual application.
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
- Consent 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.

What policy guidelines have we adopted

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.

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.
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3. The number of traders in any one street shall be limited so as not to cause undue concentration.
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What legal requirements you must meet to get a consent

You must provide us with:

i) You have submitted your application in writing.
ii) Your proposed trading location will not conflict with our adopted policy guidelines (shown in this leaflet).
iii) 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 only be required for 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 or fair
A trunk road picnic area
A news vendor - although you must sell only new copies of 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 roundsman - 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 pay to enter. You might however need to separately obtain planning permission and/or the express permission of the Council (as landowner) if we own or are responsible for the land.

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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 Precint.

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.

Application for a street trading consent

I wish to apply for the grant or renewal of a street trading consent in Portsmouth. I have personally completed the application below and have been honest in giving this information. I have not made any false statements and know it is a serious offence to give false or misleading information in support of my application.

Signature

Date

Company details

If the applicant is applying on behalf of a company please tell us:

Applicants position in company:

Name of company:

Company Registration No:

Registered Address:

District:

Town:

County: Postcode:

Tel: Fax:

Email:

Company details

If the applicant is applying on behalf of a company please tell us:

Applicants position in company:

Name of company:

Company Registration No:

Registered Address:

District:

Town:

County: Postcode:

Tel: Fax:

Email:

About yourself

Title:

First Name(s):

Surname:

Birth Date: Age:

Home Address:

District:

Town:

County: Postcode:

Tel: Mobile:

Email:

STC No.

Fee £

Date

Receipt No.

Date

Fee £

Receipt No.

Fee £