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**Street Trading Consent Guidance**

**Local Government (Miscellaneous Provisions) Act 1982**

This guidance has been produced to provide information on obtaining Street Trading consents in Chichester City centre.

**Which streets are Consent Streets in Chichester?**

Chichester District Council (the ‘Council’) has designated the pedestrianised areas of East Street, North Street and Crane Street, Chichester as ‘Consent’ streets under the Local Government (Miscellaneous Provisions) Act 1982 (the ‘LG(MP)A 82’) for the purposes of allowing certain street trading to take place.

In 2020 the Council designated additional areas in Chichester city centre as ‘Consent’ streets. These are;

* From the junction of St Martin's Street with East Street, Chichester northwards to adjacent 4 St Martin's Street, Chichester
* From the end of the pedestrianised area at 65 North Street to the junction with the A286 Northgate gyratory
* Guildhall Street, from North Street to Priory Lane
* From the end of the pedestrianised area of East Street to the junction with East Walls
* From 4 St Martin's Square to 14 St Martin's Square
* Jays Walk
* Little London, from East Street to 39 Little London
* West Street from the Cross until the junction with Tower Street
* Tower Street up until The Woolstaplers
* Chapel Street up until The Woolstaplers
* South Street from the Cross until the junction with Theatre Lane
* West Pallant to the corner to 14 West Pallant
* Cooper Street from, 63 South Street to 3 Cooper Street

This means that persons wishing to sell items from a stall in these streets must first obtain a Street Trading Consent from the Council. Street Trading in these areas without consent from the Council is prohibited and the Council may take formal action against traders who do not hold a valid Street Trading consent.

**The purpose of allowing street trading**

The purpose of the designations is to provide diversity in the shopping facility offered in the city centre of Chichester whilst providing support for businesses. The Council particularly wish to encourage local and specialist food based businesses whose products offer a diversity of supply from that which are generally not or are only in limited supply in the city centre. Street Trading Consent applications will also be considered for one-off markets and events where goods are more specialist in nature or from a particular region/country which are intended to attract increased attendance of the general public into the city and therefore likely to benefit other businesses.

**Selection criteria used to assess applications**

At its meeting held on 21 October 2015 Chichester District Council’s General Licensing Committee resolved to review the charging regime for the grant of Street Trading Consents. It was recognised that historical charges did not recover the full cost to the Council of dealing with Street Trading Consent matters. It was recognised that different types of market and different forms of street trading were likely to be able to bear different fee levels.

The General Licensing Committee agreed that future charges for commercial markets held in the precinct be at a tendered or negotiated level of fee. These will reflect the cost to the Council in dealing with street trading, the level of charges in other locations and the value of the Street Trading Consent to the market operator/street trader.

This guidance is intended to provide examples of the main factors the Council will consider when evaluating Street Trading Consent applications and outlines the grounds under which an application may be refused. Each application will be considered on its individual merits.

In considering applications the Council will, amongst other matters, take account of:

* The number, layout and specific location(s) of trading pitches
* The size, design, quality and appearance of trading stalls and other erections
* The products and goods to be sold at each trading pitch and their origin
* The proposed trading hours and trading dates
* The dates and frequency of other approved Consents
* The arrangements for the setting up, dismantling and removal of trading stalls and other erections
* Whether the proposed Street Trading is for charitable purposes

Please note the Council *may* not give approval for Consent applications where

* The application proposes less than 10 (ten) trading pitches or
* The proposed event is likely to give rise to street congestion or
* The siting of any trading pitch or other erection is considered likely to
1. unduly hinder the visibility of any existing shop or business frontage or
2. obstruct access to any existing shop or business or
3. hinder the movement of emergency vehicles or
* Products or goods proposed to be sold are the same or similar to products or goods available from existing shops or businesses or
* The proposed trading is from a vehicle which includes trailers.

Prior to submitting an application we would recommend you contact the Licensing Team via licensing@chichester.gov.uk. This Council also strongly recommends liaising with the Chichester BID (Business Improvement District) ([www.chichester.bid.co.uk](http://www.chichester.bid.co.uk)) on 01243 773263 or at info@chichesterbid.co.uk and West Sussex County Council who oversee events on the public highway.

**Supporting Information - planning an event or market?**

Organisers have a legal responsibility to ensure the health, safety and welfare of employees, volunteers/participants and contractors involved with arranging an event/market and of course the attending public. This should be ensured by carrying out a detailed event specific risk assessment (see separate guidance form). In addition, larger events may require an Event Plan. If you would like more information or guidance on registering as a food business (food traders)please contact the Council’s Health Protection Team (Environmental Health) at healthprotection@chichester.gov.uk

If you are proposing to supply/sell alcohol, provide regulated entertainment and/or late night refreshment you will also need to comply with the Licensing Act 2003. For further information please contact the Licensing Team as above.

**Street Trading Consent application process**

Completed applications for new Consents or to vary an existing Consent must be received by the Licensing Team **at least 8 (eight) weeks before** the proposed market/event.

Applications that are not submitted within this timescale or that are incomplete may not be treated as a valid and therefore not processed. If you are applying for a variation to an existing Consent, you will need to complete a new application along with providing the required supporting documentation and requisite fee.

In all circumstances a minimum of £5 million Public Liability Insurance will be required. However, the Council may require additional cover for some proposals where the risk is deemed to be higher (£10 million). If this is the case you will be advised in writing.

On receipt of a completed application, the Council will consult with the following partners:

* Chichester Business Improvement District (the ‘BID’)
* Sussex Police
* West Sussex Fire & Rescue Service.
* West Sussex County Council
* Chichester City Council
* Chichester District Council – Economic Development
* Chichester District Council – Health/Environmental Protection Teams

Where considered necessary the Council may also consult with the Council’s Emergency Planning and Business Continuity Officer.

Consultation will take a maximum of 4 (four) weeks (however this may be reduced in exceptional circumstances). If issues arise with an application, the Licensing Team will endeavour to resolve these through mediation with the applicant and objector. If mediation is unsuccessful the application will be referred to the Council’s Licensing & Enforcement Committee for determination.

The Council may revoke a Street Trading Consent after it has been granted if the holder (including traders, participants etc.) do not comply with the terms and conditions of the specific Consent issued. Failure to abide by the conditions may also lead to prosecution.

If your application is refused or revoked you may discuss the application/permission with the Divisional Manager for Communications, Licensing & Events or Director of Growth & Place, Executive Office, Chichester District Council. Applicants can submit an appeal to the Licensing & Enforcement Committee by writing to Mrs J Hotchkiss, Director of Growth & Place, Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex PO19 1TY.

**Fees**

The applicant shall pay to Chichester District Council the appropriate fee for the grant, renewal, or variation of a Street Trading Consent.

The fees are set at a tendered or negotiated level for commercial market operators/traders. Applications in the precinct attract a set fee which is £763.00 (one day event) and a further £763.00 for each additional day of the event thereafter. Additional costs will be incurred if there is a requirement for an electrical supply.

If the event is for charitable purposes or is managed by another service of Chichester District Council a different fee structure applies. Please contact the Licensing Team for further details.

**It is an offence knowingly or recklessly to make a false statement in or in connection with an application for the grant or renewal of a Street Trading Consent. A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement. To do so a person could receive a fine of up to £1,000.**

**This authority is under a duty to protect the public funds it administers and may use information you provide for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information see** [**www.audit-commission.gov.uk/nfi**](http://www.audit-commission.gov.uk/nfi)

**It is also an offence to trade at a different place(s) or at different time(s) to those specified in the final issued Street Trading Consent.**