

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982**

**APPLICATION FOR STATIC STREET TRADING CONSENT**

*Incomplete forms will be returned*

**SECTION A**

|  |  |
| --- | --- |
| I want to apply for a NEW Street Trading Consent: |  |
| I want to RENEW an existing Street Trading Consent: |  |
| Current Licence number |  |

**SECTION B – Applicant Details**

|  |  |  |
| --- | --- | --- |
| 1 | Surname |  |
| 2 | First Name(s) |  |
| 3 | Home Address |  |
| 4 | Postcode |  |
| 5 | Date of Birth |  |
| 6 | National Insurance No |  |
| 7 | Telephone No. |  |
| 8 | Mobile Tel No |  |
| 9 | Email address |  |
| 10 | Do you have the right to work in the UK?  | YES □ NO □ |
| 11 | Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority. | No Yes If yes, please give details below |

South Lakeland House, Town Hall, Kendal, Cumbria LA9 4DL
T. 0300 373 3300 Email. licensing@westmorlandandfurness.gov.uk

**westmorlandandfurness.gov.uk**

**SECTION C – 2ND APPLICANTS (If more than 2 applicants, please use separate sheet)**

|  |  |  |
| --- | --- | --- |
| 1 | Surname |  |
| 2 | First Name(s) |  |
| 3 | Home Address |  |
| 4 | Postcode |  |
| 5 | Date of Birth |  |
| 6 | National Insurance No |  |
| 7 | Telephone No. |  |
| 8 | Mobile Tel No |  |
| 9 | Email address |  |
| 10 | Has the above applicant ever been refused a Street Trading Licence or Consent by this or any other local authority. |  Yes No If yes, please give details below |

**SECTION D – CRIMINAL AND DRIVING OFFENCES**

|  |  |
| --- | --- |
| Do you have any unspent criminal offences? | Yes No If yes, please give details below |
| **Details of Offence** | **Date of Conviction** | **Penalty** |
|  |  |  |

|  |  |
| --- | --- |
| Do you have any driving offences? | Yes No If yes, please give details below |
| **Details of Offence** | **Date of Conviction** | **Penalty** |
|  |  |  |

|  |  |
| --- | --- |
| Do you have any pending prosecutions against you? | Yes No If yes, please give details below |
| **Details of Offence** |  |
|  |

***All applicants are required to provide a valid current DBS (no older than 30 days old at time of submission)– see guidance note at end this form.***

 **SECTION E – TRADING DETAILS**

|  |  |  |
| --- | --- | --- |
| 1 | Trading Name |  |
| 2 | Detailed description of area of Trading*(you will need to provide a site plan highlighting required area of trading)* |  |
| 3 | Hours of Trading |  |
| 4 | Do you have the land owners permission? | YES*(Please provide evidence)* |  | NO |  |

**SECTION F – GOODS TO BE SOLD** *(Please give details of all items to be sold)*

|  |  |
| --- | --- |
| *Example - confectionary* | *Sweets, crisps, chocolate* |
| **Ice Cream** |  |
| **Confectionary** |  |
| **Hot drinks** |  |
| **Cold Drinks** |  |
| **Cold Food** |  |
| **Hot Food** |  |
| **Other – please specify** |  |

**SECTION G – FOOD REGISTRATION DETAILS**

|  |
| --- |
| **Please Note:** To store, prepare, distribute or sell food on a premises, the business should be registered with the local authority where the trading unit is usually kept. |
| 1 | Do you intend to trade in any food items? | Yes No |
|  *If yes please give details below* |
| 2 | Local Authority Name |  |
| 3 | Local Authority Address |  |
| 4 | Registration reference |  |
| 5 | Date first registered |  |

**SECTION H – TRADING VEHICLE**

*Please provide 3 photographs of the trading vehicle – front, rear and side views.*

*You do not need to provide these for Renewal applications, providing these have been submitted previously and the trading vehicle has not subsequently changed.*

|  |  |  |
| --- | --- | --- |
| 1 | Vehicle Registration |  |
| 2 | Make and Model of Trading vehicle |  |
| 3 | Colour of Trading vehicle |  |

**SECTION I – ASSISTANT(S) DETAILS**

*Please supply details below of any person working in the vehicle. Assistants are required to provide a valid current DBS (no older than 30 days old at time of submission)– see guidance note at end this form.*

|  |  |  |
| --- | --- | --- |
| 1 | Do you intend to engage assistants? | Yes No |
|  | If yes, please give details below |  |

|  |  |
| --- | --- |
| Please supply full details of all assistants |  |
| **Full Name:****Address:****Postcode:****Date of Birth:** | **Full Name:****Address:****Postcode:****Date of Birth:** |

*If more than 2 assistants, please use a separate sheet*

**SECTION J – PUBLIC LIABILITY INSURANCE**

*Street Trading operators must have a minimum of £5 million public liability insurance cover in place. A copy of the policy will need to be provided with the application.*

|  |  |
| --- | --- |
| Do you have public liability insurance? | Yes No |
| If yes, please complete details below |  |
| Insurance Company |  |
| Policy No |  |
| Expiry Date |  |
| Amount of cover (£m) |  |

**SECTION K – DECLARATION AND SIGNATURES**

I believe, to the best of my knowledge, the information provided in this application is true. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence, which is punishable by a fine.

I consent to the information supplied on this application and declaration forms to be divulged to the Police and other agencies involved in the prevention of fraud.

If you are convicted or cautioned of any offence during the period of your licence, you MUST inform the Council’s Licensing Authority within 14 days of the conviction/caution.

|  |  |
| --- | --- |
| **SIGNED (All Applicants)**  |  |
| **Signature** | **Print Name** | **Date** |
| **Signature** | **Print Name** | **Date** |

**Please ensure you have read the guidance notes and the criminality document.**

**DATA PROTECTION** Personal information provided in an application form and during the period of any subsequent Licence is normally held for a period of six years from the expiry of the last consecutive Licence held. It will be used primarily for the purpose of the licensing function concerned although it may also be used for data matching purposes across various licensing functions. Personal information held for licensing purposes will be held and used in accordance with the requirements of the Data Protection Act 2018 and General Data Protection Regulations. To assist the Council in the prevention and detection of fraud so that it can protect the public funds it administers the Council may use information provided for licensing purposes within this Authority for data matching purposes. It may also data match information provided for licensing purposes with other public bodies that regulate, administer or are in receipt of public funds for the purposes of the prevention and detection of fraud. If you do have any queries regarding any Data Protection, please contact the responsible officer.

**FREEDOM OF INFORMATION** Information held by the Council may need to be disclosed in response to a request for it within the terms of the Freedom of the Information Act 2000. This information excludes that which is in any other way already in the public domain.

**All documents listed below MUST be shown upon submission of application.**

**Checklist of documents to submit:-**

Basic DBS for applicant and all persons working from the vehicle

3 x Photo of Vehicle and/or trailer (front, rear and side)

Log Book, if applicable

Vehicle Insurance

Highlighted plan of trading site

Evidence of land owners permission to trade on site

Public Liability Insurance

Employee Liability Insurance, if applicable

Passport sized photo of each assistant named on this application

DVLA licence for all drivers of the vehicle to be licensed

must be provided

DVLA driver check mandate for all drivers of the vehicle

**A FEE IS PAYABLE WITH THE APPLICATION**

**Office Use Only:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date Received |  |  |  Date to Consultee | Date returnedand comments |
| Application Fee Paid |  | Receipt No |  |  |
| Officers Initials |  | Landowners permission |  |  |
| Basic DBS’s(less than 30 days old) |  | Expiry Date |  |  |
| Plan of trading site |  | Police check |  |  |
| £5m Public Liability Insurance seen |  | Trading Standards check |  |  |
| Employee Liability Insuranceseen |  | Highways check |  |  |
| Photos of all assistants |  | Food Team informed of application |  |  |
| Right to Work Evidence |  | Flare Ref No |  |  |
| 3 x Photos of Vehicle/Trailer |  | Grant Fee paid |  |  |
| Log Book |  |  |  |  |

**Guidance Notes**

One consent is issued in respect of one vehicle only.

Incomplete applications will be returned.

You must not trade until your licence has been granted.

Each applicant, and all assistants must provide a basic DBS that is no older than 30 days at the time of submission. **(*Basic criminal record checks*** *can be obtained from Disclosure & Barring Service. For further information please telephone* 0300 020 0190 *or visit* [*www.gov.uk/request-copy-criminal-record*](http://www.gov.uk/request-copy-criminal-record)*)*

Each driver of the vehicle must produce their DVLA licence, and submit a DVLA driver licence check code. This allows the Council to check driving licence offences and permissions.

**Location**

A highlighted site plan should be submitted with the application, showing the area where trading is required.

Permission to use the site must be gained from the land owner. Evidence of this is required to be submitted with this application.

**Renewing a licence** – please ensure you submit your renewal application at least 14 days prior to the expiry date. This allows adequate time to carry out checks, and process the application.

You can submit your application:

* **In person** at South Lakeland House , Lowther Street, Kendal LA9 4DQ
* **By post** to Licensing Section, Public Protection Services, South Lakeland House , Lowther Street, Kendal LA9 4DQ
* **By email** to licensing@westmorlandandfurness.gov.uk

Please note electronic applications should be either electronically signed, or signed by hand and scanned in.

**Application Process**

Once the application has been validated, and the applicant has been deemed suitable, the council will consult with the following authorities/agencies:

Cumbria Constabulary

Westmorland and Furness Highways

Any other persons/parties relevant to this application.

Complaints received in the previous year will also be considered by the Licensing Department.

Consultation period is 7 days. After consultation, the application and any comments will be considered by the Public Protection Manager. The applicant will then be contacted with the outcome.

**Grant or Refusal**

New applications are considered on their individual merit.

Applications are referred to the Public Protection Manager and/or the Licensing Regulatory Committee for determination.

Renewal applications - Where there are no objections to the application after the consultation period a licence will be granted.

Where objections are received in relation to the application, the matter will be referred to Public Protection Manager for decision.

**Street Trading Appeal**

The legislation does not provide a statutory right of appeal to Magistrates Court in respect of any decisions made in relation to a street trading consent. A right to review request may be made to the Licensing Regulatory Committee.

**Guidance on the Relevance of Convictions, Cautions or Reprimands**

1. As a general rule, the Council will expect applicants for consents, licences or permits to be free from previous convictions, cautions and reprimands. However, a person with convictions, cautions or reprimands will not be excluded from holding a consent, licence or permit but should be expected to have:

* remained free of conviction for an appropriate period and
* shown adequate evidence of good character from the time of conviction.

2. Simply remaining free of conviction will not generally be regarded as sufficient evidence of good character. It should be noted that the Council may refuse an application after considering a conviction, caution or reprimand for any offence, if it is not satisfied that the applicant is fit and proper to hold a consent, licence or permit.

3. In determining the relevance of a conviction or caution, consideration will be given to the nature and seriousness of the offence involved, the period of time elapsed since conviction and the applicant’s conduct subsequent to that conviction.

4. In circumstances where previous convictions, cautions or other information relating to criminal matters is disclosed, the Council, when determining whether the person is a ‘fit’ and ‘proper’ person, will have regard to the following:-

* The relevance of the offence(s) or other matters revealed in the application;
* The seriousness of any offence(s) or any other matter revealed;
* The class / nature of the offences(s);
* The age of the offences(s);
* The age of the person at the time of the offence(s);
* Whether the disclosure reveals a pattern of behaviour;
* Whether the applicant’s circumstances have changed since the offending behaviour or the other relevant matters; and

Any other information that is deemed appropriate for consideration in determining whether the person is a ‘fit’ and ‘proper’ person.

5. In addition to the above, the Council is also entitled to use all other records and information available to it in determining applications or entitlement to continue holding a consent, licence or permit. This may include information held by the Council or other licensing authorities and information held by the police.

6. The overall offending history will be considered when assessing a person’s suitability to hold or to continue holding a consent, licence or permit.

7. Any dishonesty by any applicant or other person on the applicant’s behalf which is discovered to have occurred in any part of any application or tendering process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a consent, licence or permit being refused, or if already granted, revoked or withdrawn and may result in prosecution.

8. Where the applicant or consent, licence or permit holder (“the licensee”) has been convicted of a criminal offence the Council cannot and will not review the merits of the conviction.

9. Where an applicant or licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use this statement as an indication of the approach that should be taken.

10. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.

11. The issue of summons or the arrest and release on bail with or without charge can indicate that there has been an event, which may cause the Council to review the suitability of an applicant or licensee to hold a consent, licence or permit.

12. In the case if any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be up to the Council to decide what action to take in light of this statement.

13. It is important to recognise that matters which have not resulted in a criminal conviction

(whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

14. The criteria for determining whether an individual should be granted or retain a consent, licence or permit are identical.

15. Licensees may have direct responsibility for the safety of public, direct responsibility for the safety of other road users and could have significant control over individuals who may be alone and may also be vulnerable. Any previous convictions or unacceptable behaviour will weigh heavily against a consent, licence or permit being granted or retained.

16. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

17. In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

**Crimes resulting in death**

18. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

**Exploitation**

19. Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

**Offences involving violence**

20. Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a consent, licence or permit will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

**Possession of a weapon**

21. Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a consent, licence or permit will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Sex and indecency offences**

22. Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a consent, licence or permit will not be granted.

23. In addition to the above, the licensing authority will not grant a consent, licence or permit to any applicant who is currently on the Sex Offenders Register or on any ‘barred’ list.

**Dishonesty**

24. Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a consent, licence or permit will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Drugs**

25. Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a consent, licence or permit will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

26. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a consent, licence or permit will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

**Discrimination**

27. Where an applicant has a conviction involving or connected with discrimination in any form, a consent, licence or permit will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Motoring convictions**

28. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a consent, licence or permit or may not result in action against an existing licensee. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

**Documents which demonstrate entitlement to work in the UK**

Where a right to work check has been conducted using the services of an IDSP on British and Irish citizens, a continuous statutory excuse will have been established and there is no requirement to see the documents listed below or to carry out a follow up check.

Where a right to work check has been conducted using the Home Office online service, the information is provided in real-time directly from Home Office systems and there is no requirement to see the documents listed below.

* A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
* A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
* A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
* A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
* A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.
* A birth or adoption certificate issued in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.
* A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.
* A certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.

**List B Group 1**

* A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
* A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
* A current immigration status document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer.

**List B Group 2**

* A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
* A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
* A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU (J) to the Jersey Immigration Rules or Appendix EU to the immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
* An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
* A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

**Original documents must not be sent to licensing authorities.** If the document copied is a passport, a copy of the following pages should be provided:-

(i). any page containing the holder’s personal details including nationality;

(ii) any page containing the holder’s photograph;

(iii) any page containing the holder’s signature;

(iv) any page containing the date of expiry; and

(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.