

General statement of principles for the regulation of street trading in Swindon

1. The regulation of street trading is concerned solely with the social, economic and environmental impact which street trading has, especially on (but not restricted to) the immediate locality.
2. Aside from the core criteria of avoiding 'obstruction of the street or danger to persons using it' and 'nuisance or annoyance (whether to persons using the street or otherwise)' applications will be judged against these criteria as well as on presentation, sustainability and the achievement of a sensible retail mix, together with any other reasonable consideration.
3. The pedestrianised public highways in shopping centres are intended to provide uncluttered, open vistas between shops. Traders who seek to use portable structures to gain access to prime retail sites on a daily basis at a fraction of the outlay expected of shop-keepers will be looked at on an individual basis.
4. In the principal retail centres of Old Town and the town centre, street trading will be assessed on its likely impact on the vitality, success and reputation of the area as a place to do business. Street trading consents will only be granted to traders who can demonstrate that their presence will enhance those qualities. Street traders do not have a 'right' to access core areas. Traders considered to have a neutral or negative impact will be excluded.
5. Street trading legislation does not distinguish between trailers and market stalls but there is a generally a substantial difference between the two types of trading. Both trading formats are subject to this policy but they will be affected by it in different ways.
6. Hot food trailers and vans etc. tend to function as portable shop units, operating in isolation. Where it appears that they are being used (or will be used) principally to save on costs relative to competing cafes and take-aways, a street trading consent will not normally be granted. Where the infrastructure or trading opportunities are such that a fixed retail unit could not be justified or accommodated, a fast food trailer will be considered for consent.
7. Aside from their exclusion from the town centre, there is a presumption against the siting of fast food trailers in residential areas, in the locality of fixed premises with a fast food offer, close to schools or where it would impact adversely on the amenity of the area or otherwise conflict with this policy.

8. Markets are based on demountable stalls whose impermanence is a deliberate feature. Typically, stalls trade in clusters and are present for a few hours, once or twice a week. They are a destination while they are present, rather than being a constant presence in the locality.
9. Where it is an appropriate option, preference will be given to issuing a block consent to a reliable, self-regulating group of market traders. This is a reference to working closely with a representative or representatives. It is not a preference for working through an agent or market company (although that will be the norm with 'one off' markets). This block approach offers the best guarantee of quality and enables a light regulatory approach. A failure of the group to maintain standards would normally lead to the withdrawal of this favoured arrangement.
10. Parish and town councils may make recommendations on whether an application to engage in street trading within their area should be granted, within 15 working days of being notified. Swindon Borough Council will administer the issue and monitoring of street trading consents and the minimum legal requirements must still be met.
11. Street trading consents can be withdrawn at any time and therefore have no intrinsic value. It is entirely legitimate for a trader to sell any trailer, equipment or stock to a third party. It is unlawful however for a trader to purport to sell a 'pitch' or a consent. Where such transactions are discovered to have taken place, use of the pitch in question by any person shall be suspended immediately and the ban shall remain in effect for a period of six months. The police will be informed.
12. In the case of individual pitches, new proposals will normally proceed by way of planning consent, sought by the business which wishes to trade there. In these cases, the proposer will have the first option on applying for a street trading consent. Planning consent is required for routine trading pitches but the existence of a planning consent provides no guarantee that street trading consent will be issued.
13. Where established individual pitches are vacated, the street trading consent must be handed back to the Council. An outgoing trader will not be permitted to propose an incoming trader for the pitch which they have vacated.
14. An e-mail list of potential traders is maintained. Anyone asking for their name to be added to that list will be notified if an individual trading pitch becomes vacant. Letters will not be sent out. Any pitch vacancy will be posted on the Council's web site and expressions of interest must be submitted within 30 days of the date of posting. Any street trading consent subsequently issued will be allocated on merit, according to the published criteria.
15. It is entirely a matter for individual street traders, whether or not their business is profitable and whether or not there is sufficient customer

demand for their product or service. No account will be taken of either of these factors, when street trading decisions are made.

16. The overall employment consequences or the likely external economic impacts of a street trading proposal may be taken into account.
17. The regulation of street trading will not be used directly to secure compliance with the many other legislative duties which impact on street traders. Consent conditions will not say, for example that traders “must fulfil their obligations under the Health & Safety at Work Act”. Failure to comply with any legal requirement will nevertheless be a material factor, should it be necessary to review a consent.
18. When carefully sited, permanent island trading units of high quality may be useful in providing accents in the street scene. They may for example link different areas of the town centre. Structures of that kind fall outside the scope of street trading and therefore of this policy. It will be expected that any proposal for a fixed structure will mirror any design criteria already laid down for shop-fronts.