

TONBRIDGE AND MALLING BOROUGH COUNCIL GUIDANCE NOTES RELATING TO STREET TRADING

The Tonbridge and Malling Borough Council has adopted provisions contained in the Local Government (Miscellaneous Provisions) Act 1982 relating to Street Trading and as a result trading in certain streets (or parts thereof) within the Borough is either allowed, with the written consent of the Council, or prohibited.

WHAT IS STREET TRADING?

Street Trading is the selling, exposing or offering for sale of any article (including a living thing) in a street (includes any road, footway, beach or other area to which the public have access without payment). There are a number of exceptions to this when consent is not required viz: door-to-door sales by a licensed pedlar or roundsman, statutory markets/fairs, trunk roads, picnic areas, selling newspapers, trading at petrol filling stations/service areas, shops (or premises attached thereto), and charity collections.

WHERE IS TRADING ALLOWED OR PROHIBITED

The powers adopted by the Council allow it to regulate trading in specified areas/streets. The areas which are regulated to date are as follows:

Tonbridge Town Centre
The Blue Bell Hill Area
Hadlow Village Centre

These areas have been defined as including certain streets (or parts thereof). In some of those streets (or parts thereof) street trading is prohibited. Those streets are defined in A below. In the remaining streets (or parts thereof) trading is allowed if the Council's written consent is obtained beforehand. Those streets are defined at B below.

A - Prohibited Streets

Tonbridge Town Centre

Kinnings Row; Church Lane; Bank Street; Castle Street; East Street for a distance of 10 metres from its junction with High Street; Lyons Crescent for a distance of 10 metres from its junction with High Street; River Walk for a distance of 10 metres from its junction with High Street; New Wharf Road for a distance of 10 metres from its junction with High Street; Lamberts Yard; Vale Road for a distance of 30 metres from its junction with High Street; Angel Lane for a distance of 15 metres from its junction with Vale Road; Barden Road for a distance of 20 metres from its junction with High Street; Railway Approach; Waterloo Road from its junction with Quarry Hill Road to its junction with Albert Road; and Pembury Road from its junction with Quarry Hill Road to its junction with St. Stephen's Street.

Blue Bell Hill Area

So much of the A229 as falls within the Borough of Tonbridge and Malling, including the slip roads to the A229; Rochester Road north of Pratling Street; Old Chatham Road; and Walderslade Woods Road.

Hadlow Village Centre

Tonbridge Road, from the junction with Bourne Grange Lane to its junction with High Street; High Street from its junction with Tonbridge Road to The Square; The Square; Church Lane; School Lane, for a distance of 100 metres

from its junction with High Street; Carpenters Lane, from its junction with High Street to its junction with Old Carpenters Lane including the stopped-up section of Carpenters Lane; Maidstone Road, from The Square to a point 100 metres north of its junction with Great Elms; Court Lane, for a distance of 200 metres from its junction with Maidstone Road; and Great Elms, for a distance of 100 metres from its junction with Maidstone Road.

B - Allowed by Consent Streets

(The Council has resolved that fixed pitch trading consents will only be considered in relation to Angel Walk and Pavilion Walk)

Tonbridge Town Centre

High Street from its junction with Bordyke southwards to its junction with Railway Approach; Lansdowne Road; Medway Wharf Road; Botany; Bradford Street for a distance of 10 metres from its junction with High Street; Avebury Avenue for a distance of 10 metres from its junction with High Street; Angel Lane (except for a distance of 15 metres from its junction with Vale Road); Pavilion Walk; Angel Walk, Quarry Hill Road from its junction with Railway Approach to its junction with Pembury Road; and Priory Road for a distance of 10 metres from its junction with Quarry Hill Road.

A consent will entitle sales within all consent streets within the Tonbridge town centre area. However, sales may not be conducted from a vehicle, cart, barrow, stall, etc, without additional specific consent from the Council. The number of such consents will be limited in order to minimise obstructions and inconvenience to the public. Such a consent will specify a fixed “pitch” and the consent will only be valid for that site.

In relation to any street or part thereof not mentioned in A or B above, street trading may for the time being be carried on without the Council’s consent except public car parks

RESTRICTIONS ON THE SALE OF ARTICLES

There are, notwithstanding any other legislation, no limitations as to the types of articles which can be sold, although all consents are subject to Standard Conditions (see separate leaflet). The Council can restrict the periods/times of trading if it feels that this is necessary in any particular instance where trading from a vehicle, cart, barrow, or stall is proposed.

In relation to the sale of food the Council may (under separate Food Safety Legislation) insist on certain requirements but there is a requirement under Consent Standard Conditions for litter bins to be provided and appropriate notices where trading is permitted from a vehicle, barrow, cart or stall.

Please note that the Standard Conditions include a general exclusion for the period of the Tonbridge Christmas Festival and that the Shops Act 1950 restricts the sale of certain items on a Sunday.

AGE LIMIT

No consent may be granted to a person under 17 years of age.

LENGTH OF CONSENT/IDENTIFICATION

Consents are usually issued for 12 months but not longer. They may be issued for a shorter period if felt necessary or for specific dates if so specified in an application. The Consent must be carried at all times when trading for production if requested. *A consent may be revoked at any time.* A badge will be issued to each consent holder to identify him/her as a licensed person. The badge will bear a photograph of the consent holder and he/she will need to attend at the Council’s offices if their application is approved in order to have their photograph taken for this purpose.

Where consent is given to trade from a vehicle, barrow, cart or stall, a plate with details of the consent is required to be exhibited. This plate will be supplied by the Council and you will be required to lodge a deposit to secure its safe return

EMPLOYMENT OF ASSISTANTS

A consent holder may employ any other person to assist him/her with trading without the need for any further consent unless he/she is not in a position to supervise all assistants at all times. If this is the case unsupervised assistants will need their own consents. Each supervised assistant must be named on the traders consent and they must each have a copy of that consent which they must carry with them when so employed. Copies will be supplied for this purpose.

COSTS OF CONSENTS

Please see website for up-to-date fees.

Note:- fees are not normally refundable. Cheques etc to Tonbridge and Malling Borough Council are required with an application. A "Fixed Pitch Consent" relates to any instance where goods or any display equipment etc is to be placed on the ground. "Other Consent" relates only to totally mobile means of selling i.e. nothing is being placed on the ground.

REFUSAL OF CONSENT

If it is proposed to refuse an application for a consent the applicant will be given the opportunity of making representations for consideration by the Council's Licensing Sub-Committee.

APPLICATION FORMS

Application forms are available from the Licensing Officer, Legal Services, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or by email licensing.services@tmbc.gov.uk

Unless application is made for a fixed pitch, your consent will normally be sent to you by return of post. Where a fixed pitch is involved, applications are referred to the police and other agencies for comment.