

CHERWELL DISTRICT COUNCIL STREET TRADING POLICY

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Activities not requiring consent	<p>Trading:</p> <ul style="list-style-type: none"> • as a pedlar under a pedlar's certificate • at an established market or fair • as a news vendor • at a petrol station or shop or from a street adjoining a shop which is used as part of the business of the shop • as a roundsman (i.e. delivering pre-ordered goods to customers) • from a licensed highway area (as defined in Part VIIA of the Highways Act 1980) under a street collection permit for charitable purposes
Applicant	The individual who has submitted an application for a street trading consent
Consent holder	An individual that holds a street trading consent
Council	Cherwell District Council
Licensing officer	An officer employed by the councils and authorised by the councils to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982
Pedlar	<p>A pedlar is a trader who must:</p> <ul style="list-style-type: none"> • keep moving, stopping only to serve customers at their request • move from place to place and not circulate within the same area • carry all goods for sale and not use a trolley or stall <p>hold a valid pedlar's certificate, issued by a Chief Constable of Police</p>
Mobile trader	<p>A mobile street trader is one that:</p> <ul style="list-style-type: none"> • continually moves from location to location • moves at least 50 metres from the last trading location and does not return to that location within four hours • does not wait in one location for more than 20 minutes does not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)
Roundsman	An individual who visits a 'round' of customers and delivers the orders of those customers, for example a milkman. A person operating an ice cream van is not classed as a roundsman.
Street trading consent	A permission to trade, which is granted by a council subject to conditions and the payment of a fee
Street trading	The selling, exposing or offering of articles for sale in a street
Street	Includes any road, footway, beach or other area - including privately owned land - to which the public have access without payment.
Town	A location that has a town council as opposed to a parish council

Cherwell District Council aims to support business ventures and encourages the provision of street trading within the district. In more rural areas, street trading outlets enable residents, visitors and travellers to obtain refreshments when there is nothing else immediately available.

2 Purpose of the Policy

- 2.1 This policy sets out the framework for the management of street trading in the Cherwell District Council (hereafter referred to as the Council). Through this policy the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of streets in the district by street trading activities. In doing so it recognises the importance of regulated businesses to the district's economy and the character of the district whilst trying to ensure that the activities do not cause nuisance or annoyance to people who live and work in the district.
- 2.2 The powers to control street trading within the Council's areas are conferred by Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982, 'the Act', which has been adopted by the Council. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.
- 2.3 This policy is intended to help prospective street traders to understand where trading might be encouraged. It is important however, that sites are properly administered and managed to ensure that they meet legal requirements and the high standards expected by the Council.
- 2.4 Issues can arise where street traders do not pay due regard to their location and operation or make it dangerous for people and road users to move around them. Street trading can also result in littering and other nuisance to persons in the vicinity
- 2.5 This policy will guide the Council when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the Council will make decisions and how their needs will be addressed.
- 2.6 Although each application will be considered on its own merits this policy contains key points that must be considered in every case. This document sets out the criteria the Council will use when they consider applications for street trading consents. It sets out the grounds upon which decisions are made about street trading applications and enforcement actions if required.

3 Consultation

- 3.1 In determining this policy, the Council have consulted:
 - Thames Valley Police
 - Oxfordshire Fire and Rescue Service
 - Oxfordshire County Council Highways or Highways England (depending on location)
 - Oxfordshire County Council Trading Standards
 - Parish and Town Councils
 - Current Street Traders
 - Local business organisations

- Residents

3.2 In addition the following teams within the Council has been consulted

- Development Control
- Environmental Health
- Parks and Leisure
- Car Parks
- Economic Development

4 Review of the Policy

4.1 This policy will be reviewed every 5 years. When required, periodic reviews and updates may be undertaken.

5 Legislation and Current Provision

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

5.1 The Act sets out a number of definitions and provisions:

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions:

- (a) Pedlars authorised by a certificate granted under the Pedlars Act 1871 by the police force in which the trader resides
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order
- (c) Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- (d) Trading as a news vendor
- (e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business of the shop
- (f) Offering or selling things as a roundsman. (a person who delivers orders to customers by prior arrangement)
- (g) The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway
- (h) The operating of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
- (i) The doing of anything authorised by regulations made under section 5 of the Police Factories etc. (Miscellaneous Provisions) Act 1916 for charitable purposes

5.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment and a service area as defined in section 329 of the Highways Act 1980.

5.3 A consent street is a street in which street trading can only take place if the consent of the local authority has first been obtained.

- 5.4 All streets within the Council's area are designated as consent streets this means that, subject to certain legal exemptions, nobody can trade in any street in the district without first obtaining a street trading consent from the Council.
- 5.5 Prohibited streets are streets where no street trading may take place.
- 5.6 In order to trade anywhere in Cherwell District Council area you must receive consent from the Council. In certain areas (Banbury, Bicester and Kidlington) the Council maintains a list of designated pitches; however, there is a waiting list, and you may have to wait some time before being considered for one of these.
- 5.7 There are no prohibited streets within the councils' areas. The A34 and M40 are designated as a trunk road and motorway respectively. No street trading is permitted on motorways and Oxfordshire County Council Highways will not approve any street trading applications for lay-bys or slip roads along the A34.
- 5.8 A licence street is a street that requires a formal licence before any form of street trading can take place.
- 5.9 There are no licence streets in the Council's area.
- 5.10 Street traders that serve hot food or drink at any time between 23.00 and 05.00 the following day will also require a premises licence that authorises late night refreshment under the Licensing Act 2003.
- 5.11 All applications for street trading consents must include written permission from the landowner for the business to operate from that location.
- 5.12 All applications for street trading consents must include written confirmation that planning permission has been granted for the business or that planning permission is not required.
- 6 Delegation of functions**
- 6.1 The Council aim to provide a clear, consistent licensing service for applicants and consent holders.
- 6.2 The General Licensing Committee
- reviews and adopts the street trading policy
 - determines applications and reviews
- 6.3 The General Licensing Committee appoints a street trading panel to:
- determine the grant, variation, refusal or revocation of street trading consents when requested by the Head of Communities
- 6.4 The Head of Communities is authorised to:
- a) issue street trading consents and attach such conditions as are considered

reasonably necessary under the Local Government (Miscellaneous Provisions) Act 1982

- b) vary the conditions attached to an existing street trading consent when necessary to promote public safety and/or prevent nuisance or annoyance to affected parties.
- c) refuse any application for a consent that:
 - (i) in the opinion of the Head of Communities does not comply with the Council's policy or consent conditions,
 - (ii) has been subject to objections from Thames valley Police, or Oxfordshire Council highways on the grounds of public or highway safety.
- d) refer consents granted to existing street traders to the street trading panel when there has been a substantiated complaints about the trader or the trader has breached the conditions of his/her street trading consent.
- e) refer any applications for street trading consents to the street trading panel when valid objections have been received.
- f) revoke a consent if a site is no longer viable or consent holder is no longer able to comply with conditions.

7 Multiple Site Traders

- 7.1 Street trading on private land such as pub and social club car parks, village hall and community centre car parks is growing in popularity. This type of activity falls within the definition of street trading and needs to be suitably controlled.
- 7.2 Where there are multiple traders operating similar businesses from one site, where simultaneous applications are submitted, the consultation may be combined to reduce the consultation fee payable. In addition, further consultations to add or to change the traders at a site will not generally be required unless there has been a material change in the area, or complaints or concerns have been raised in respect of existing traders.
- 7.3 An agent or other nominated person will be responsible for coordinating the consultation process and be the point of contact for all matters relating to the application.
- 7.4 Applicants must follow the remainder of the application process as set out in this policy. Any site-specific conditions issued to other consents for the same site would apply to any consent granted.
- 7.5 Each trader must pay a consent fee before the consent is issued.

8 Mobile Street Trading Consents

- 8.1 Street traders that meet the conditions below will be classed as mobile. Ice cream vans and mobile sandwich sellers would typically be deemed to be mobile street traders.
- 8.2 Mobile traders must:

- (a) move from location to location
- (b) move at least 50 metres from the last trading location and not return to that location within four hours
- (c) not wait in one location for more than 20 minutes
- (d) not trade within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment)

8.3 Due to the nature of a mobile trader, there will be limited impact on any one single location so consents will be automatically granted subject to the above criteria being met and a complete application being submitted. Mobile street traders will generally not be subject to the consultation process.

9 Special Temporary/Occasional Street Trading Consents

- 9.1 For special temporary/occasional events such as a continental street market, or Christmas fayre the Council may issue a special temporary/occasional consent at a reduced fee. It is not expected that such events would last longer than 72 hours or occur more frequently than once in any four week period.
- 9.2 All applications should be made at least 28 days prior to the special temporary event to ensure there is enough time for the application to be processed, and the standard application process will apply.
- 9.3 The consent will be issued for the duration of that special event only and will be to a named individual who will be responsible for compliance with the conditions of the consent.
- 9.4 The consent holder will be required to keep records of all traders that operate under their consent including the date, trading location, trader name and company name, address, vehicle registration, contact numbers and items being offered for sale.
- 9.5 Special temporary/occasional consents do not provide exclusive control over trading in the designated area.

10 Markets

- 10.1 A market or fair, the right to hold which has been obtained by a grant, enactment or order (charter markets) are exempt and do not require a street trading consent. For clarity, it will be expected that the market traders will trade during the course and hours of a regular market and it is not the case that the location is simply exempt from the requirement for street trading consents at all other times.

11 Community and charity events

- 11.1 Traders at an event organised and run by a registered charity or recognised community association or other not for profit organisation for public benefit will be exempt from the

requirement to obtain a street trading consent for that location, subject to the following restrictions:

- (a) traders (or a nominated point of contact on behalf of the traders) must notify the licensing team of the trading at the event in writing at least ten working days in advance
- (b) traders cannot remain at the location for more than 72 hours or return to the location more frequently than once in any four week period
- (c) traders must be invited to trade at the event by the organisers
- (d) hot food traders operating after 23:00 must submit a Temporary Event Notice, if required, prior to the event, to meet the requirements of the Licensing Act 2003

12 Application process and criteria

- 12.1 All new and variation street trading consent applications will be subject to a 28-day consultation period. Mobile street traders will generally not be subject to the consultation process as detailed in 8.3. The consultation will seek the views of local residents and businesses* with a minimum radius of 100m of the proposed site and statutory agencies whose responsibilities may be impacted by the proposed business, such as Oxfordshire County Council Highways, Thames Valley Police, Cherwell District Council Development Control, Cherwell District Council Public Protection, Cherwell District Council Street Scene, the Ward Member, the appropriate Parish or Town Council. Consideration will be given to all written objections, which are not irrelevant, frivolous, vexatious, or repetitive.

*Note: It is the applicant's responsibility to notify these owners/occupiers by delivering the site notice to the relevant property/business. If they fail to do so the application will be refused.

- 12.2 The following criteria will be considered in deciding whether or not a street trading consent should be granted and appropriate conditions to be attached:

a) Public Safety

Whether the street trading activity represents, or is likely to represent, a risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site. Oxfordshire County Council Highways department will be consulted on all applications to ensure high standards of road safety for applicants, customers and other road users.

Applications in respect of sites that have previously been the subject of refusal due to the unsuitability of the location are unlikely to be accepted.

b) Crime and disorder and safeguarding

Whether the street trading activity and/or applicant represents, or is likely to represent, a risk to the public in relation to crime and disorder or a safeguarding concern. Thames Valley Police will be consulted on all applications regarding the prevention of crime and disorder and safeguarding matters.

c) Preventing nuisance or annoyance

Whether the street trading activity represents, or is likely to represent, a risk of nuisance or annoyance to the public from noise, odour, fumes, litter or the discharge of fluids, particularly in residential areas. The relevant council's environmental protection team will be consulted on all applications regarding the prevention of nuisance.

d) Written objections or support from local residents or their representatives

Residents will be alerted to street trading applications via a A4 notice erected by the applicant at the proposed consent location. The relevant town or parish council and district ward councillors will be consulted on applications for street trading consents in their area.

e) Proximity to schools and colleges

Street trading consents for businesses supplying hot or cold food or confectionery between 08:00 and 16:00 will not be granted for locations within 100 metres of the boundary of a school or college.

f) Planning permission

A street trading consent will only be issued where planning permission has been granted or there is written confirmation that permission is not required.

g) Appearance of the stall or vehicle

Any stall or vehicle from which trading is permitted must be maintained and presented to the same standard as originally manufactured. Internal and external finishes must be free from defects or damage. Any stall or vehicle must meet the criteria, including size, laid down in the standard consent conditions.

h) Food traders

Applicants for stalls or vehicles selling food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, The Royal Society of Health, or The Royal Institute of Public Health and Hygiene. All businesses must be registered with the Food and Safety team in the district within which the stall or vehicle is kept overnight. If this is not within the Vale of White Horse district or South Oxfordshire district the business should notify the Food and Safety team of the location from which they intend to trade. Any changes must be notified to the Food and Safety Team 28 days prior to the change.

i) Proximity of similar businesses

Objections based on the proximity of similar business will be considered but limited weight will be given to objections based solely on grounds of competition

Contents of a Street Trading Consent Application

12.3 All applications for the grant of a new street trading consent site shall include:

- a) completed application form downloaded from the council website
- b) street trading consent fee
- c) a basic Disclosure & Barring Service (DBS) certificate (no more than one calendar month old)
- d) proof of right to work in the UK
- e) written consent of the landowner (unless the site is public highway)
- f) written confirmation or the existence of, or no requirement for planning permission
- g) a map showing all streets and other public areas within a radius of 100 metres from the proposed location of the street trading site. The map must clearly indicate the location of the proposed site in the centre of the map, and the locations of other street traders, and shops trading in similar commodities to those proposed
- h) current photographs of the vehicle/stall showing external condition and signage
- i) electrical/gas safety certificates as required (certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer)
- j) food hygiene certificates (for food businesses only)
- k) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
- l) details of a commercial waste agreement.

Duration of Street Trading Consents

12.4 Street trading consents are generally issued for 12 months from the date of approval unless they are only required for a shorter period. Consents may be revoked at any time.

Renewals - Street Trading Consents/Mobile Street Trading Consents

- 12.5 Applications for renewal should be submitted no later than one month prior to the expiry date of the current consent, to allow the application to be processed and a new consent to be issued prior to the expiry date. If the consent expires and no new consent has been issued any street trading beyond the expiry date is an offence and may lead to refusal of further applications.
- 12.6 All renewal application will be consulted on with Thames Valley Police, Oxfordshire County Council Highways, Cherwell District Council Public Protection, Cherwell District Council Street Scene. Consideration will be given to all written objections, which are relevant.
- 12.7 All applications for renewal of a street trading consent shall include:
- a) a completed application form.
 - b) street trading consent fee
 - c) a Disclosure and Barring Service (DBS) certificate (no more than one calendar month old)
 - d) proof of right to work in the UK (unless provided previously)
 - e) a valid insurance certificate for £5,000,000 public liability and public indemnity cover
 - f) current photographs of the vehicle/stall showing external condition and signage
 - g) electrical/gas safety certificates as required. Certificates must be within the valid dates as recommended by the qualified electrician/gas safety engineer
 - h) details of a commercial waste agreement.

Transfers

- 12.8 A street trading consent cannot be transferred or sold to another person. A new application must be submitted following the application process details in this policy.
- 12.9 The sub-letting of a street trading consent location or pitch is prohibited. The consent holder must be the principal operator and have day-to-day control of the vehicle/stall. The consent holder may employ other person(s) to assist in operating the vehicle/stall

Determination of Applications

- 12.10 Each application will be determined on its merits having regard to the application, criteria, relevant policy and guidance, and any valid objections or concerns received. Valid objections are those that relate to the criteria and aims of the street trading policy.

- 12.11 Following the determination of an application, the applicant will be notified of the decision in writing within ten working days of the decision.
- 12.12 If the application meets the Council's requirements and no representations are received the consent will be granted as applied for.
- 12.13 If valid representation(s) are made during the consultation period, then the application will be considered at a hearing by the Council's Licensing Sub-Committee.
- 12.14 Applications may be approved subject to additional conditions. Additional conditions form part of the street trading consent and must be complied with at all times.
- 12.15 If the application does not meet the criteria, or there are valid objections the relevant council may contact the applicant and objectors to discuss changes that could be made to the proposed location, goods or trading hours and/or additional conditions that could be introduced. If all parties are satisfied that changes to the application and/or additional conditions will resolve the concerns, a consent may be issued with those amendments.
- 12.16 Where the Council refuses an application the applicant will be informed in writing of the reasons. There is no right of appeal to the Magistrates' Court. A person aggrieved by a decision of the Council may make an application to the High Court for judicial review of the potential grounds. Applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

13 Fees

- 13.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the cost of processing applications including consultation, administration and issue of the consent along with the cost of ensuring compliance with the conditions in the consent. Fees must be paid in full and in advance. Details of the current fees can be found on the council's website or on request to the licensing team
- 13.2 Refunds will not be given where a consent is surrendered during the term.

14 Conditions

- 14.1 The Council will generally apply standard conditions to all street
- 14.2 The standard conditions applied to street trading consents (including multiple site traders and special temporary events) are attached to this policy as Appendix 1. The standard conditions applied to mobile street trading consents are attached to this policy as Appendix 2. These lists are not exhaustive, and other conditions may be added to individual consents as required.
- 14.3 Street trading can only be carried out from a vehicle or stall authorised under the conditions of the consent. The Council must approve any changes to or replacement of the vehicle or stall.

15 Enforcement

- 15.1 This section of the policy details the council's commitment to enforcing the provisions contained within the appropriate legislation. It also highlights the Council's commitment to work in partnership with other enforcement agencies, in order to provide consistent enforcement on licensing issues.
- 15.2 Licensing officers aim to work closely with other enforcement authorities when dealing with issues on the street. We will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.
- 15.3 Authorised officers from the Council will visit street traders to assess compliance with the conditions or to undertake any other duty that the authority has, such as food hygiene inspections.
- 15.4 Where licensable activities are conducted without the benefit of a consent we will gather evidence and take enforcement action as appropriate in line with the Council's own Enforcement Policy and the Regulators Code. We may call for assistance from the Police when dealing with such issues.
- 15.5 If an officer is of the opinion that the holder of the trading consent has contravened any conditions, the consent or permit may be revoked.

Appendix 1 Standard Conditions for Annual Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of:
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. The relevant council must approve any changes to or replacement of the stall or vehicle.
6. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990. Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
7. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
8. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
9. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The consent holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
10. The consent holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
11. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.

12. The consent holder shall ensure that the stall/vehicle is positioned only in the allocated space (which may be marked on the ground) in the location/s for which the street trading consent is issued. All goods must be displayed on the stall/vehicle and no freestanding racks or displays are permitted. If a consent holder or operator/assistant is requested to move the vehicle/stall by a licensing officer or Police officer they shall immediately comply with that request.
13. The consent holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle or stall has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
14. All hot food vans/trailers are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
15. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
16. A street trading consent cannot be transferred or sold to another person.
17. The sub-letting of a street trading consent location is prohibited.
18. The consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The consent holder may employ any other person to assist in operating the stall/vehicle.
19. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
20. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
21. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
22. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.
23. These general conditions, which apply to all street trading consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the street trading consent.
24. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

Appendix 2 Standard Conditions for Annual Mobile Street Trading Consent

1. No trading to which the attached consent relates shall take place except between the dates of: DATE and DATE.
2. The operational hours shall be:
Between the hours of and on Mondays
Between the hours of and on Tuesdays
Between the hours of and on Wednesdays
Between the hours of and on Thursdays
Between the hours of and on Fridays
Between the hours of and on Saturdays
Between the hours of and on Sundays
3. The street trading consent relates to the following area:
4. The street trading consent relates to the following vehicle:
5. The vehicle must move from location to location within the above area.
6. The vehicle must move at least 50 metres from the last trading location and must not return to that location within four hours.
7. The vehicle must not wait in one location for more than twenty minutes.
8. The vehicle must not trade or park within 100 metres of any entrance to any educational establishment (without formal invitation from the establishment).
9. Street trading can only be carried out from the vehicle identified under the conditions of the consent. The relevant council must approve any changes to or replacement of the vehicle.
10. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent holders must pay particular attention to the requirements of the Health & Safety at Work Act 1974, Regulation (EC) 852/2004 (assimilated), the Food Safety Act 1990 and associated regulations, The Food Safety and Hygiene (England) Regulations 2013, the Environmental Protection Act 1990 and the Environmental Information on how to comply with food safety and health and safety law can be obtained from the Food Standards Agency at www.food.gov.uk and the Health and Safety Executive at www.hse.gov.uk.
11. All businesses selling food must be registered with the environmental health team in the district where the business address is located.
12. The consent holder shall not be the cause of any nuisance or annoyance to any other user of the highway or the occupier of any adjacent land or building. Consent holders shall have special regard to and must take positive action to prevent excessive noise.

13. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade to a licensed waste carrier. The consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property.
14. The consent holder's vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance. The street trading consent bearing the name of the consent holder shall be displayed conspicuously on the vehicle so that members of the public can clearly see it during hours of business.
15. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and possess a current MOT certificate.
16. If a consent holder or operator/assistant is requested to move the vehicle by a licensing officer or Police officer they shall immediately comply with that request.
17. The consent holder's vehicle shall not exceed 3.5 metres in height nor occupy an area greater than 8m x 3m.
18. The consent holder must take adequate precautions to prevent the risk of fire at the vehicle. All hot food vehicles are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. Where the vehicle has a 240 volt electrical system an annual electrical safety certificate is required. A serviceable fire blanket and suitable fire extinguisher/s shall be provided at all times.
19. All hot food vehicles are required to carry a basic first aid kit. The consent holder and other operators should know how to give first aid to treat victims of burns and cuts. All hot food vehicles should have access to a minimum of one mobile phone that must be serviceable at all times.
20. All staff involved in the preparation of food shall hold a current Level 2 food safety certificate, accredited by the Chartered Institute of Environmental Health, the Royal Society of Health, or the Royal Institute of Public Health and Hygiene.
21. A street trading consent cannot be transferred or sold to another person.
22. The consent holder must be the principal operator and have day-to-day control of the vehicle. The consent holder may employ any other person to assist in operating the business.
23. The consent holder may terminate a street trading consent by written notice to the relevant licensing team.
24. The consent holder shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
25. A copy of the consent shall be clearly displayed by the operator when trading and must be produced on demand to a licensing officer or Police Officer.
26. The consent holder shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £5,000,000 and shall cover the operator's vehicle and any additional equipment under their control. Proof of cover must be produced to a licensing officer as required.

27. These general conditions, which apply to all street trading consents, may be varied. Additional conditions may be required and will be displayed and listed on the street trading consent.
28. Annual fees must be paid in advance.

Failure to comply with these conditions

If the consent holder fails to comply with any of the conditions attached to a street trading consent, the consent may be revoked. The consent holder may also be prosecuted for trading outside of the location or times specified in the street trading consent.

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Appendix 3 Guidelines on the suitability of applicants

The primary aim of this policy is protection of the public. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders. Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it is important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

The Council will determine whether the applicant is a suitable person to carry on business as a street trader and may not issue a licence unless satisfied that the applicant is suitable, in determining this, the authority may have regard to any information, which it considers to be relevant, in particular:

- Whether the applicant has been convicted of any relevant offence
- Whether the applicant has been the subject of any relevant enforcement action
- Any previous refusal of an application for the issue or renewal of a street trading consent (and the reasons for the refusal)
- Any previous revocation of a street trading consent (and the reasons for the revocation), and
- Any substantiated complaints or concerns received in respect of the behaviour of the trader or any person working with them.