

BROMSGROVE DISTRICT COUNCIL
STREET TRADING POLICY

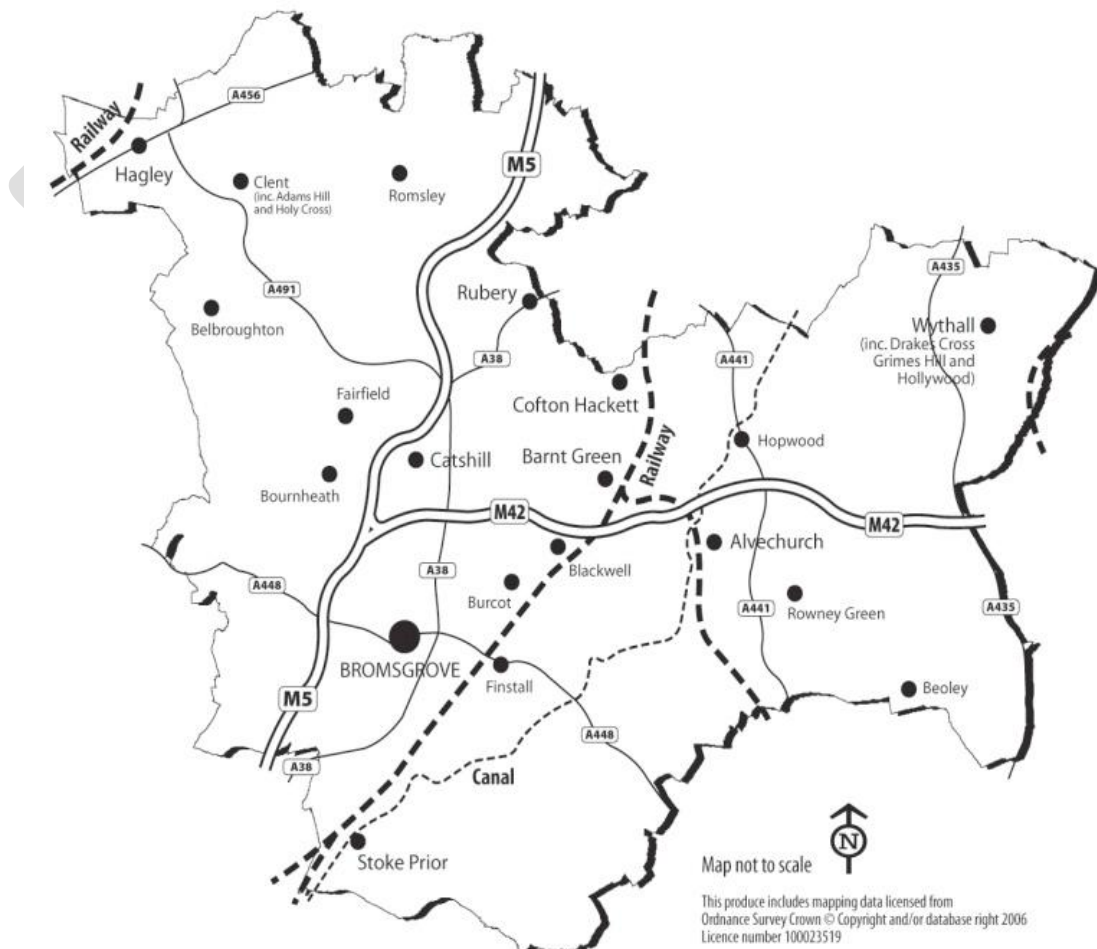
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1.0 INTRODUCTION

1.1 Bromsgrove District

- 1.1.1 Bromsgrove District Council is situated in the County of Worcestershire, which contains six District Councils in total. The Council area has a population of approximately 93,600 and in terms of area it covers approximately 84 square miles.
- 1.1.2 The Council area is mainly rural in character (90% of the area is classed as Green Belt) with two central urban areas of Bromsgrove Town and Rubery.
- 1.1.3 Whilst it is only 14 miles from central Birmingham, the Clent and Lickey Hills provide an important dividing line between the industrial Midlands and the rural landscape of North Worcestershire.
- 1.1.4 Bromsgrove District Council's overall vision is to “aspire to create a welcoming environment that prioritises quality of life, where residents and businesses feel a deep sense of belonging and connection”. This policy statement accords with this overall vision and attempts to help further the Council's five core strategic purposes, which are:

- Run & grow a successful business
- Work & financial independence
- Living independent, active & healthy lives
- Affordable & sustainable homes
- Communities which are safe well-maintained & green



1.2 The Policy

- 1.2.1 This document states Bromsgrove District Council's Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2.1 In exercising its discretion in carrying out its regulatory functions, Bromsgrove District Council will have regard to this Policy document and the principles set out therein.
- 1.2.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

1.3 The Objectives of this Policy

- 1.3.1 This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 1.3.2 The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 1.3.3 The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 1.3.4 This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 1.3.5 The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Regulator's Code.

1.4 The Law

- 1.4.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. This activity is defined as "*the sale and exposing or offering for sale any article, including a living thing, in a street.*" Streets are further defined as to include any road, footway, beach, or other area to which the public have access without payment.
- 1.4.2 The main purpose of this legislation is to establish an appropriate regulatory regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power to designate specific areas within their administrative boundaries as either:
- Prohibited Streets: those which are not open to street traders
 - Consent Streets: where street trading is prohibited without Local Authority consent

- Licence Streets: where trading is prohibited without a Local Authority licence
- 1.4.3 Local authorities can place conditions on any Consent or Licence granted. The Act also creates offences associated with trading in Consent or Licence streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 1.4.4 There are, however a number of exemptions provided in the Act, which are not considered to be street trading. These are detailed in Section 10 below (definition of 'Street Trading'). However it is important to note that exempted traders are still controlled by other regulatory legislation.
- 1.5 Designation of streets for the purposes of street trading**
- 1.5.1 Bromsgrove District Council has resolved to designate all streets in the District (as existing at the time of the making of the resolution and in the future) as consent streets with effect from 1st December 2017.
- 1.6 Licensing Act 2003**
- 1.6.1 It should be noted that should a street trader wish to sell alcohol or provide late night refreshment, additional authorisation will be needed under the terms of the Licensing Act 2003.
- 1.6.2 Late night refreshment is the supply of hot food or drink between the hours of 11pm and 5am on any day of the week.
- 1.6.3 Licensing Officers will be able to provide further information on the requirements of the Licensing Act 2003.

2. EXEMPT ACTIVITIES

- 2.1.1 The following are not considered street trading under the Act:
- Pedlars with a certificate under the Pedlar's Act 1871
 - Trading at a market or fair held under legal grant or enactment
 - Trading in a trunk road picnic area provided under section 112 of the Highways Act 1980
 - News vendors
 - Trading at petrol stations
 - Trading at or adjacent to shops as part of the shop's business
 - Roundsmen selling or offering goods
 - Trading for charitable purposes, where a vendor is operating not for private gain, where a payment is not required to access the land.
 - Indoor markets are exempt from street trading legislation.
 - Events that charge an entry fee do not need street trading consent.

- 2.1.2 Non-commercial events are not considered to be street trading and not require any form of street trading consent. A letter of intent/confirmation from the community organisers would normally satisfy the Council. It is assumed that the community event organisers will have consulted with residents and businesses prior to holding the event.
- 2.1.3 If the purpose of the event is of a commercial nature, then it would be caught by the policy and an application required.
- 2.1.4 If the event is intended to have mixed-use for example, charity stalls alongside commercial stalls, then a street trading consent will be required, and an application will need to be submitted.

2.2 LOCAL EXEMPTIONS

- 2.2.1 The Council may designate trading at specific events, such as school fêtes, street fairs, charity events, or national celebrations, as exempt from requiring a Street Trading Consent. A formal decision will be made prior to the event.
- 2.2.2 The Licensing Service will not expect applications for street trading consents from applicants who are selling or exposing for sale any article that is for the benefit of a bona-fide charity.

3. TYPES OF STREET TRADING CONSENTS

- 3.1 Street Trading Consents will be issued according to the following categories:

3.2 Annual Street Trading Consent– Single Commercial Pitches

Permits trading up to seven days a week at a fixed location within the Council area.

Duration 12 months – Trading between Monday to Sunday.

Restrictions:

No trading within 50 metres of school entrances or religious buildings.

3.3 Peripatetic or Mobile Street Trading

For mobile units (e.g., ice cream vans).

Duration 12 months – Trading between Monday to Sunday.

Restrictions:

No trading within 50 metres of school entrances or religious buildings.

Not valid in Council parks, open spaces, or car parks without express council permission.

Traders must not remain static for more than 30 minutes and must not return to the same location within three hours.

3.4 Temporary/Occasional Street Trading – One Off Events

Permits trading for between 1 to 31 consecutive days. Suitable for one-off events, such as pop-ups or event days.

Duration for between 1 day and 31 consecutive days between Monday to Sunday.

Individual permissions apply for events on Council land or free events on private land.

Block consent is required from organisers for 5 or more pitches.

4. APPLICATIONS FOR A STREET TRADING CONSENT

4.1 Advice for New Applicants

4.1.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made. This allows Officers to provide advice, as well as clarifying any areas of uncertainty.

4.1.2 It is the responsibility of the applicant, in the first instance, to identify the location(s) in which they wish to trade as there is no designated list of street trading “pitches” that can be traded from.

4.1.3 The Council can also provide advice in relation to other legal requirements of a new Consent Holder, for example, planning permission or food safety requirements.

4.2 Applications

4.2.1 The following information must be submitted at the time of application before it can be considered valid and processed by the Licensing Team. Incomplete applications will be rejected.

4.2.2 All applications for grant or renewal of a Street Trading Consent must be made on the Council’s prescribed application form.

4.2.3 A completed application form must be accompanied by:

- a) the correct fee
- b) photographic proof of identity (copy of passport, UK driving licence/provisional, Biometric residence permit with the right to work in the UK) for applicant and any assistants
- c) the applicant’s, and any prospective assistants, proof of address and right to work in the UK.
- d) colour photographs of the stall or vehicle that is intended to be used for the street trading activity

- e) Where the trading is proposed to take place on a mobile basis, a list of the relevant Towns/Parishes in which trading is proposed to take place providing details where possible about specific areas.
- f) If a vehicle is to be used as part of the street trading activities, registration details of the vehicle including confirmation of the registered keeper of the vehicle and their address.
- g) evidence of food registration with a local authority (if applicable).
- h) evidence of current training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Food Hygiene Certificate for the food business operator and those staff who have a supervisory role in the preparation and handling of open high-risk foods (if applicable)
- i) Gas Safety certificate (if applicable)
- j) Electrical safety certificate for any electrical works carried out (if applicable)
- k) a valid Waste Transfer Contract or agreement, or Waste Carrier Licence (if applicable)
- l) proof of insurance including public liability of at least £5 million.
- m) Risk assessment document identifying hazards, evaluating risks, and implementing control measures.
- n) Certificates to confirm that any fire fighting equipment within the trailer, stall or vehicle from which the street trading activities are proposed to take place have been appropriately serviced and maintained.

Static consent application

- o) A plan clearly identifying the proposed trading area by marking the site boundary with a red line. Where the application is for more than one location each site will need to be detailed and marked.
- p) Where the application is to trade on private land, written confirmation of freeholder's permission to trade on land.

Mobile consent application

- q) Where the proposed trading is on a mobile basis, a list of the trading areas including identifying the relevant Towns/Parishes in which trading is proposed to take place.
- r) A map that clearly shows the area to be traded from (in the case of mobile ice cream traders, the names of the streets suffice).

4.3 Display of Applications and Public Notices

- 4.3.1 Where the application is for GRANT of a new consent in respect of a static fixed location, the applicant must also advertise their application by

displaying the prescribed Public Notice at the relevant location for the period shown below beginning with the day after the application for consent is made to the Council and deemed accepted

- proposed trading for between 1 and 6 days – 7-day notice period
- Proposed Trading for between 7 and 14 days – 14-day notice period
- Proposed trading for 15 days or more – 28-day notice period

4.3.2 Information in relation to the form of the prescribed Public Notice are available from the licensing team.

4.3.3 New applications will also be displayed on the Worcestershire Regulatory Services 'New Street Trading Application' Webpage.

4.4 SUITABILITY OF APPLICANT AND ASSISTANTS

4.4.1 The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders.

4.4.2 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.

4.4.3 Any assistant employed by the licensed trader, whether paid or not, should be registered with the Council's Licensing team. Any breach of legislation or Street Trading conditions committed by the assistant may have a bearing on the consent.

4.4.4 The council will consider all relevant information relating to the suitability of the applicant and any assistants including whether they have been cautioned or convicted of any offences of:

- a. violence
- b. drug related offences
- c. public order offences
- d. food safety or health and safety offences
- e. any offence resulting in a sentence of imprisonment.

4.4.5 The council will normally reject applicants with a previous conviction of sexual offence, particularly involving children and other vulnerable people

4.4.6 Applicants will be required to make a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974.

4.4.7 When determining an application for the grant or renewal of a consent, the council will consider the applicant's criminal history as a whole, together with

all other relevant evidence, information and intelligence including their history (for example, complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with council officers) whilst holding a consent from the Council or any other street trading permission from any other authority.

- 4.4.8 If any unspent convictions or cautions are declared, depending on their nature, then the Council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading consent. The application will not proceed until the suitability of the applicant has been determined.

National Insurance Number and Right to Work

- 4.4.9 A licensed street trader and named assistants shall provide a National Insurance Number and satisfactory evidence that the number given was issued to them. Temporary National Insurance Numbers are not acceptable.
- 4.4.10 A licensed street trader and named assistants shall provide all relevant supporting documents to support their legitimate right to work and in line with any Home Office immigration guidelines in force.
- 4.4.11 Applications cannot be considered from anyone under the age of 17.

4.5. Processing an Application

- 4.5.1 Applications for grant or renewal of a Street Trading Consent will be notified by the Council to the following:-

- West Mercia Police
- Worcestershire County Council (Highways)
- Highways England
- The relevant Parish Council(s)
- The District Councillor(s) for the Ward(s) concerned
- Environmental Health Officers at Worcestershire Regulatory Services
- The Planning Authority
- Safer Bromsgrove
- Bromsgrove District Council Environmental Services
- Trading Standards
- The owners / occupiers of any residential and/or business properties in the vicinity of the proposed location of any static trading site.
- Any other relevant organisation

- 4.5.2 Representations or objections will be accepted from any of the bodies listed at 4.5.1 and any other individual or business that can demonstrate that they would be materially affected by the proposed street trading activities.

4.6 Determining Applications with no Representations or Objections

- 4.6.1 Where no representations or objections are received Officers will grant Consent to the applicant in the terms that it was applied for.

4.7 Determining Applications through Mediation

- 4.7.1 Where a representation or objection is received in respect of an application, a Licensing Officer will, in the first instance, attempt to mediate between the relevant parties.
- 4.7.2 For example, it may be possible to find a compromise position in one of the following ways:-
- amending the times during which trading will take place;
 - amending the days on which trading will take place;
 - adding conditions to the Consent to address specific concerns;
 - granting Consent for a trial period to assess the impact; or
 - amending the list of articles to be sold.
- 4.7.3 Where all relevant parties agree to a compromise position, the Consent will be granted by Officers, subject to the agreed amendments.

4.8 Determining Applications Where Mediation Is Not Possible

- 4.8.1 Where representations or objections are received and it is not possible to reach an agreed compromise, the application can be referred, at the applicant's request, to the next available Licensing Sub-Committee for determination.
- 4.8.2 The Licensing Sub-Committee will be conducted in accordance with the Council's standard procedure.

4.9 Options Available to Licensing Sub-Committee

- 4.9.1 When determining an application for grant or renewal of a Street Trading Consent, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:-
- (a) grant consent to the applicant as applied for;
 - (b) grant consent to the applicant subject to modifications to any of the following matters:
 - (i) the days on which trading can take place;
 - (ii) the times during which trading can take place;
 - (iii) the location(s) where trading can take place;
 - (iv) the articles that can be traded;
 - (v) the conditions attached to the Consent;
 - (vi) the duration of the Consent.
 - (c) refuse to grant Consent.
- 4.9.2 In the interests of transparency, reasons will be given for any decision taken by a Licensing Sub-Committee **and will be detailed in a formal decision notice.**

4.10 Key Considerations

4.10.1 Each application will be considered on its own merits.

4.10.2 The Council will have regard to all of the circumstances and all of the representations and objections that it receives. The Council will normally grant or renew a Street Trading Consent unless, in its opinion,:-

- a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
- there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- there would be a significant loss of amenity caused by traffic, noise (whether from trading unit or its customers), light pollution, rubbish, air quality, potential for the harbourage of vermin; or
- there is already adequate like provision in the vicinity of the site to be used for street trading purposes; or
- there is a conflict with Traffic Orders such as waiting restrictions; or
- the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
- street trading activities would undermine the safe and efficient passage along public highways and cause congestion; or
- the pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities; or
- the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- the trading activity would detract from the visual or other attractions of the area in which it takes place, particularly designated Conservation Areas, Areas of Outstanding Natural Beauty and Sites of Special or Scientific Interest; or
- street trading activities would conflict with the solemnity and tranquillity that can reasonably be expected at sensitive locations, such as close to a place of worship, cemetery, crematorium etc; or
- the street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff; or
- a Consent has already been granted to another person to trade similar articles in the immediate vicinity.
- the proposed consent holder is not considered to be a suitable person to be granted a street trading consent for any reason.

4.10.3 There is no statutory right of appeal against refusal to issue a Consent.

5.0 SPECIAL EVENTS

5.1 For special events and block bookings (three or more traders), the council will accept one application from the person organising the event and does not require individual traders to gain their own consent. This provision aims to promote and encourage traders to attend events within the district.

- 5.2 The application will require full details of each trader attending the event and must be submitted at least seven days in advance of the event. Last minute additions will be considered on a case-by-case basis and may incur increased administrative fees.
- 5.3 Prior to any Event The event organiser will need to supply the following information for each trader:
- Name of trader, name of business, vehicle registration details (if used in connection with business)
 - Public liability insurance certificate (minimum £5 million)
 - Proof of food registration (if a food business).
- 5.4 It is the responsibility of the event organiser to ensure that traders meet the conditions of this Street Trading Policy. A failure to ensure these conditions are met will be considered during the review of any future applications.
- 5.5 Community event organisers will be asked to provide evidence that they have consulted with residents and businesses prior to holding the event. If consent is granted, then a consent certificate will be issued to the event organiser for the duration of the event.

6. MISCELLANEOUS INFORMATION

- 6.1 A Street Trading Consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 6.2 The holder of a Street Trading Consent may at any time surrender their Consent to the Council, and it shall then cease to be valid.
- 6.3 A Street Trading Consent will normally be granted for 12 months and will then expire.
- 6.4 The Council will consider granting a Street Trading Consent for a shorter duration than 12 months on application in line with the options detailed in this policy.
- 6.5 Renewals applications must be submitted prior to the expiry of the current consent and will be processed upon receipt of a completed renewal application and payment of the appropriate fee.
- 6.6 Consents are non-transferable and cannot be subcontracted or assigned to another person or business.
- 6.7 If a consent is surrendered or not renewed, the site becomes available for other applicants. Consents are generally issued on a first-come, first-served basis. If multiple applications are received for the same site, the matter will be referred to the Licensing Sub-Committee for determination.
- 6.8 The granting of a street trading consent by the licensing authority does not exempt the Consent Holder from complying with other legislation, local authority rules and by-laws, or safety regulations.

- 6.9 The grant of a street trading consent does not guarantee the holder of the Street Trading Consent unimpeded access to the location(s) where they are permitted to trade.

7. RESPONSIBILITIES

- 7.1 A consent holder is responsible for ensuring that:
- a) All consent conditions are fully complied with.
 - b) All relevant insurance and or safety certificates are submitted to the Council with any consent application and, if consent is granted, that they remain valid for the full term of the consent.
 - c) The vehicle or stall is registered with the Council as a food business if food of any description is being sold.
 - d) The Council is not held liable for any acts or omissions arising from the grant of a consent.
 - e) Where trading occurs on private land to which the public has unrestricted access, permission to trade must be obtained from both the landowner/occupier and the Council.

8. FEES AND CHARGES

8.1 Fees

- 8.1.1 The fees charged by the Authority for consents to trade will cover the cost of administering the application process, administering the service and undertaking enforcement and compliance activities.
- 8.1.2 The fees will be reviewed at on an annual basis and published on the Council's website.
- 8.1.3 It is possible for the Authority to charge different fees for Consents that are for different durations or locations. Different fees can also be charged depending on the nature of the articles being sold and depending on whether the trading takes place at a single location or on a mobile basis.
- 8.1.4 Any failure by a consent holder to pay the required fee may result in the revocation of a consent.
- 8.1.5 Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

8.2 Refunds

8.2.1 Where a consent holder surrenders a consent that they have been issued, refunds may be given on request, of the fee paid when applying for that consent in accordance with the following:

- 1/12 of the fee paid may be refunded for every FULL month remaining of the consent period at the time when the licence is surrendered. The maximum amount that will be refunded is 9/12 (75%) of the licence fee paid.

8.2.2 If an application is refused the application fee is refundable less an administration charge.

9. COMPLAINTS AND ENFORCEMENT

9.1 General Principles

9.1.1 The council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the council's corporate enforcement policy.

9.1.2 The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:-

- engaging in street trading in a prohibited street;
- engaging in street trading in a consent street without Consent;
- contravention of a condition in relation to trading location; and
- contravention of a condition in relation as to the times between which or periods for which a Consent Holder can trade.

9.1.3. A person guilty of the above offences may be liable on conviction to a fine of up to £1,000.

9.1.4. The council will investigate any complaints relating to street trading activities, such as trading without consent or breach of conditions, and may take with the council to resolve them. Substantiated complaints may result in a consent being revoked and refusal to grant further consent on application.

9.1.5. Failure to comply with one or more of the standard conditions of consent may lead to suspension, variation, revocation, or non-renewal of street trading consent. The consent holder may also be prosecuted where a criminal offence has occurred.

9.1.6 If a complaint is found to be justified then the following actions may be taken by Officers:-

- verbal warning;
- written warning;
- simple caution;
- prosecution; or
- referral of the Consent Holder to a Licensing Sub-Committee.

9.1.7 If an existing Consent Holder is referred to a Licensing Sub-Committee, the Licensing Sub-Committee may take any of the following steps as are deemed desirable to meet the objectives of this Policy:-

- take no further action;
- give a warning to the Consent Holder;
- amend the days on which trading can take place;
- amend the times during which trading can take place;
- amend the location(s) where trading can take place;
- amend the articles that can be traded;
- amend the conditions attached to the Consent;
- amend the duration of the Consent; or
- revoke the Consent.

10. CONDITIONS ATTACHED TO CONSENTS

10.1 Standard Conditions

10.1.1 When granting or renewing a Street Trading Consent, the Council may attach such conditions to it as they consider reasonably necessary.

10.1.2 Street Trading Consents will usually be granted subject to the standard conditions detailed in **Annex A** to this Policy.

10.2 Additional Conditions

10.2.1 Additional conditions, over and above the standard conditions, may be imposed on a Street Trading Consent on a case by case basis. Additional conditions may be attached either as a result of the mediation process described at Paragraph 4.7 or by a Licensing Sub-Committee when granting Consent.

11 AMENDMENTS TO THIS POLICY

11.1 Any significant amendment to this Policy will only be implemented after further consultation with the trade and the public.

For the purpose of this section, any significant amendment is defined as one that:-

- a) is likely to have a significant financial effect on consent holders;
- b) is likely to have a significant procedural effect on consent holders; or
- c) is likely to have a significant effect on the community.

12 DEFINITIONS

TERM	DEFINITION
Authorised Officer	An Officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	A Consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	The person or company to whom the consent to trade has been granted by the Council.
Consent Street	A street in which street trading is prohibited without the consent of the Council.
Council	Bromsgrove District Council
Days	Refers to consecutive or calendar days unless specified otherwise.
Prohibited Street	A street in which street trading is prohibited
Street	Any road, footway or other area to which the public have access without payment, or any part of a street, including all roads, footways and areas open as a matter of fact to the public without payment, within the distance of 30 metres from the centre of those streets which are part of the public highway.
Street Trading	The selling or exposing, or offering for sale of any article (including a living thing) in any street.
Street Trading Assistant	<p>A person engaged by the Consent Holder to assist them with their trading.</p> <p>A street trading assistant will be deemed to be assisting a Consent Holder on a regular basis if they will be engaged to assist them on more than 14 days per calendar year.</p>

ANNEX A

STREET TRADING CONSENT **STANDARD CONDITIONS**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Street Trading Consents are issued by this Council subject to the following Standard Conditions, in so far as they do not conflict with, or are amended by, any special conditions imposed on the grant of a Consent:-

Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

- The Consent shall be valid for the period specified in the Consent, but this period shall not exceed 12 months.
- The Consent may be revoked by the Council at any time, including as a result of a breach of these conditions.
- A Consent shall be required for each trading unit (e.g. each vehicle or stall).
- A Consent shall not be assigned or transferred.
- Street trading must only be carried on by the Consent Holder or by a person engaged by the Consent Holder to assist in their trading.
- The Consent Holder must provide details and proof of the name, address, date of birth and a photograph of any person assisting them with their trading on a regular basis.
- The Consent Holder must notify the Council of any change to their address or the address of any person assisting them with their trading on a regular basis.
- Any person assisting a Consent Holder on a regular basis must be at least 17 years of age.
- Consent Holders, and any person assisting them on a regular basis, shall at all times, clearly and visibly display a valid identification badge. The badge is to be issued by the Council.
- The Council may vary or make additions to the Conditions or a Consent at any time.
- The Consent shall be limited to the days of the week, and between the hours each day, as stated on the Consent.
- The Consent Holder and/or their assistants shall only sell, or offer for sale, those goods specified in the Consent granted to the Consent Holder.
- The Consent Holder, and/or their assistants, shall only trade at the location(s) specified in the Consent.

- The Consent Holder or their assistants must allow Council officers to inspect their trading facilities and should offer all reasonable assistance to them.
- The Consent Holder, and/or their assistants, must not cause an obstruction of any street or endanger any person using it.
- The Consent Holder, and/or their assistants, must not cause nuisance (whether from noise, smell, litter or light) or annoyance by reason of the street trading activity, whether to persons using or living in the street or otherwise. In particular, but without prejudice to the generality of the foregoing, the Consent Holder shall ensure that their customers or patrons conduct themselves in an orderly manner.
- Where a trader trades from a fixed location, at least one refuse container must be provided for use by customers.
- When leaving a site the trader shall ensure that the locations in the immediate vicinity of where he has been trading are clear of refuse and waste arising from the trading.
- Traders must arrange the removal and disposal of waste arising from their trading in a lawful manner and produce evidence of any relevant trade waste agreement when required by an Authorised Officer or the Council.
- No waste matter shall be discharged onto a street or be allowed to enter a highway drain.
- The use and storage of liquefied petroleum gas shall comply with all current, relevant legislation and Codes of Practice.
- No television, radio, tape player or other device used for the entertainment of the Operator, shall be audible outside, or beyond, the trading unit.
- All signs advertising the business must be no more than 75 metres from the trading unit.

NOTE: The requirements as to signs advertising the business do not imply the right to display such signs which may require a necessary planning permission.

- At the end of each trading period the trader shall remove any signs advertising the business, with the exception of those attached to the vehicle or stall used for the purposes of the Street Trading Consent.
- No television, radio, tape player or other device used for the reproduction or amplification of sound during trading shall be at a level which causes nuisance or annoyance to persons using or living in the street.
- Any vehicle, stall or container used by the Consent Holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council, the Police, Fire Officer and Highway Authorities as to its construction, safety and appearance and any changes to vehicles used in the course of trading must be notified to the Council.

- The Consent holder or their employee must move their trailer, vehicle, stall or any signage associate with their trading or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- The Consent Holder shall at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon request by an authorised Officer of the Council.
- The Consent Holder must ensure any gas and electrical installations are properly maintained and the relevant safety certificates must be produced on request from an Authorised Officer of the Council.
- The Consent Holder, and/or assistants, shall not trade whilst intoxicated and should behave in a civil and orderly manner at all times when trading.
- Consent holders, and any/or assistants, should wear clean and appropriate clothing.
- The Consent Holder must notify the Council within 7 days if any of the information provided when applying for the consent changes.

ADDITIONAL CONDITIONS APPLICABLE TO MOBILE LICENCES

- Vehicles and trading units must move from location to location within the controlled area.
- The holder of a mobile street trading licence may only trade at any given place for up to a maximum of 15 minutes. If at the end of this 15-minute period, there is a queue of customers waiting to be served, the trader may continue to serve those customers until either all customers in the queue have been served or another 15 minute period has passed, whichever is the earliest.
- Under no circumstances can a mobile street trader remain trading at the same place for more than 30-minutes before leaving
- Having left a location at which they have been trading, a mobile street trader may not return to any location within 100 metres of that location for a period of at least 3 hours
- If a licence holder, operator or assistant is requested to move the vehicle by a licensing officer or police officer, they shall immediately comply with that request.

ADDITIONAL CONDITIONS SPECIFIC TO FOOD TRADERS

(The General Food Hygiene (Amendment) (EU Exit) Regulations 2019)

- All food traders must be registered with a relevant Local Authority at least 28 days prior to starting to trade.
- All food traders must have in place written food safety management procedures based on HACCP (hazard analysis critical control point) principles.
 - The person (or people) responsible for developing and maintaining the food safety management system must have received adequate training to enable them to do this. Any member of staff must be supervised/instructed/trained in food hygiene in a way that is

appropriate for the food they handle. You do not have to attend a formal course, but this is highly recommended e.g. Chartered Institute of Environmental Health to ensure you are aware of the legal requirements.

- The trading unit must be kept clean and maintained in good repair.
- All food handlers must keep themselves and their over clothing clean, any cut or abrasion covered with distinctive material, refrain from spitting or smoking while they are on or around the unit.
- Any food handler who is suffering from food poisoning or any condition likely to cause food poisoning should not work until they have had no symptoms for 48 hours.
- All wrapping paper and food containers must be clean and approved for food use.
- Specified high risk foods must be kept at or below a temperature of 8°C or if to be served hot kept at a temperature of 63°C or more until sold. It is recommended that these temperatures be recorded.
- Any food on display must be protected against contamination.
- Every trading unit must have a sufficient supply of clean and wholesome water. If water is stored in a container, this must be kept clean and disinfected regularly.
- You must have appropriate facilities to maintain adequate personal hygiene, including facilities to wash and dry hands hygienically. Hot water must be available whenever trading. It is recommended that liquid soap (anti-bacterial) and paper towels are used.
- Suitable and sufficient washing facilities, complete with an adequate supply of hot and cold water, detergents and clean drying facilities must be provided and maintained in a clean condition and good working order. The sink must be cleaned and disinfected between being used for food washing and equipment washing. Hot water must be available whenever trading.
- Disinfectants/sanitiser must be available for food contact equipment and surfaces. Adequate first aid materials including waterproof dressings must be maintained in the unit. It is recommended that coloured dressings are provided.
- No live animals or articles which could contaminate food are permitted within the unit.
- The vehicle must not be used as a sleeping place.
- Suitable and sufficient lighting must be provided and maintained within the unit. All electric units should be enclosed to prevent contamination of food.
- A suitable bin with a close fitting lid should be provided for the separation and disposal of waste. No refuse or other waste must be allowed to accumulate in or around the unit.

- The unit must not be sited close to sources of contamination or pests.
- Any sanitary convenience regularly used in connection with any unit must be kept clean, in good repair, properly lighted and ventilated.
- Failure to comply with food safety regulations may result in legal proceedings and/or revocation of the licence.

A Street Trading Consent does not operate as a consent for any purpose other than to permit the holder to trade on a Consent Street in accordance with any conditions imposed. The Consent Holder must ensure that he has obtained any other consent, approval or registration required under any other statutory provision relevant to their trade.

In these conditions "Consent" means a consent issued under Paragraph 7 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982; "Consent Holder" means the person named on the Street Trading Consent issued by the Council and any person employed by them to assist in their trading; "Council" means the Bromsgrove District Council.