



**North Hertfordshire District Council**

# **Street Trading Policy**

**Date: 2<sup>nd</sup> April 2012**

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## **1.0 INTRODUCTION**

### **1.1 The Policy**

1.1.1 This document states North Hertfordshire District Council's policy on Street Trading as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).

### **1.2 The Objectives of this Policy**

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston;
- (ii) to protect public health through the control of street trading within the District of North Hertfordshire;
- (iii) to ensure that traders operate within the law and act fairly in their dealings with the public; and
- (iv) to prevent nuisance, unsafe practices and anti social behaviour.

### **1.3 The Law**

1.3.1 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. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.

1.3.2 On 26<sup>th</sup> April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.

1.3.3 Street trading is defined as *"the selling or exposing or offering for sale of any article, including a living thing, in a street."*

1.3.4 Streets are further defined as *"any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990."* It is important to note that there is no reference to land ownership and so street trading legislation would also apply to privately-owned areas such as supermarket car parks, business parks, etc.

1.3.5 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:

- (i) Prohibited Streets  
those which are not open to street traders;
  - (ii) Consent Streets  
where street trading is prohibited without local authority consent;
  - (iii) Licence Streets  
where trading is prohibited without a local authority licence
- 1.3.6 Local authorities can place conditions on any Consent or Licence. 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.
- 1.3.7 There are a number of exemptions provided in the Act that are not to be considered street trading:
- (i) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871:
  - (ii) a market trader operating at a Charter or licensed market venue;
  - (iii) trading at a Charter Fair;
  - (iv) trading as a news vendor selling only newspapers and /or periodicals:
  - (v) trading at a petrol filling station;
  - (vi) trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business;
  - (vii) trading as a roundsman;
  - (viii) where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway;
  - (ix) charitable street collections authorised by the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
- 1.3.8 The granting of permissions for the placing of tables and chairs outside of a business providing refreshment, or the placing of advertising boards outside of any business, is provided for by section 115 of the Highways Act 1980.
- 1.3.9 The licensing powers provided by section 115 of the Highways Act 1980 are available to both District and County Councils in two-tier authority areas. As the legislation is designed to ensure that highways are kept free of obstructions and nuisance, the Council is of the opinion that Hertfordshire Highways, acting as the Highway Authority

on behalf of Hertfordshire County Council, is best placed to administer this function.

- 1.3.10 The Council will not, therefore, issue any permissions pursuant to section 115 of the Highways Act 1980. All applications for tables and chairs, or advertising structures, on the highway should be directed to Hertfordshire Highways.

#### **1.4 Policy Duration**

- 1.4.1 This Policy will take effect from 2<sup>nd</sup> April 2012 for a maximum period of five years.
- 1.4.2 Prior to the end of the five year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than 3<sup>rd</sup> April 2017.
- 1.4.3 The Policy will be kept under constant review to ensure that it meets the policy objectives. Additionally, it will be amended as and when necessary to reflect changes in best practice, legislation and case law.

## **2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING**

### **2.1 Prohibited Streets**

- 2.1.1 It has been decided to maximise the opportunity for street trading within the four towns and, therefore, no prohibited streets are designated within North Hertfordshire.

### **2.2 Consent Streets**

- 2.2.1 All streets, with reference to the wide statutory definition in paragraph 1.3.4 above, within the main conurbations of North Hertfordshire have been collectively determined to be Consent Streets for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2.2 Maps showing the boundaries of each town as regards Consent Street status are attached in **Appendices A to D**.
- 2.2.3 Furthermore, the following arterial roads have also been designated as Consent Streets, however, street trading is likely to be restricted to lay-bys only:
- (i) A10, A505, A507, A602, A600
- 2.2.4 The Council will continually monitor the impact of street trading on its consent streets with a view to promoting the objectives of this policy. Whilst it is the Council's intention not to designate any prohibited streets, it is acknowledged there will be areas that are less suitable for trading than others.
- 2.2.5 To address this issue, the Council will include within this policy a schedule of streets, or parts of streets, where consent permit applications will ordinarily be refused, save for exceptional circumstances. This schedule is attached as

**Appendix F.** The schedule will be subject to amendment, as circumstances dictate, in accordance with the provisions of section 7 of this Policy. An applicant seeking consent to trade on a street identified as one where permission will ordinarily be refused should contact the licensing team to discuss the proposed application and the reasons why the street will ordinarily be deemed unsuitable for trading.

### **2.3 Undesignated Streets**

2.3.1 All streets not explicitly included within the list of consent streets in paragraph 2.2 above, for example those within the rural villages, have not been designated as either prohibited streets, consent streets or licence streets.

2.3.2 The regulation of street trading and, therefore, this Policy does not apply to undesignated streets.

## **3.0 APPLICATIONS FOR A STREET TRADING CONSENT**

### **3.1 Advice for New Applicants**

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

3.1.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission or building control approval.

### **3.2 Applications**

3.2.1 All applications must be made on the Council's prescribed application form.

3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

3.2.3 The following will also be required to be submitted with the application:

- (i) Where the proposed street activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- (ii) Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.
- (iii) In the case of privately-owned land, confirmation of the landowner's consent to trade on the land.

### **3.3 Processing of an Application**

3.3.1 On receipt of the application form an acknowledgment will be sent to the applicant.

- 3.3.2 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.
- 3.3.3 The application will either be:
- (i) granted and a trading consent will be issued with conditions attached; or
  - (ii) refused and the fee will be refunded, less an administrative charge as appropriate, to the applicant.
- 3.3.4 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 3.3.5 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups as deemed appropriate to the application. In particular, the following organisations or persons will be consulted:
- (i) Hertfordshire Highways  
(acting as the highway authority on behalf of the County Council);
  - (ii) Hertfordshire Constabulary;
  - (iii) The Council's Environmental Health Commercial Team  
(with respect to food hygiene matters); and
  - (iv) In respect of privately-owned land, the landowner
  - (v) Where the Council deem appropriate, occupiers of adjoining land.

Written observations from the above organisations and occupiers of adjacent properties will be taken into consideration when determining an application.

- 3.3.6 There is no right of appeal against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

### **3.4 Key Considerations**

- 3.4.1 The Council will normally grant a street trading consent unless, in its opinion:
- (i) 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
  - (ii) where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
  - (iii) there would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
  - (iv) there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; or

- (v) there is a conflict with Traffic Orders such as waiting restrictions; or
- (vi) 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
- (vii) the trading unit obstructs the safe passage of users of the footway or carriageway; or
- (viii) the pitch interferes with sight lines for any road users, for example at road junctions, or pedestrian crossing facilities; or
- (ix) the site does not allow the Consent Holder, staff and customers to park in a safe manner; or
- (x) 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.

### **3.5 Consents**

- 3.5.1 Consents may be issued for a period of up to twelve consecutive months, quarterly or weekly.
- 3.5.2 All Consents that have not been renewed by their expiry date will automatically cease to exist and trading must cease until such time as a new Consent has been granted.
- 3.5.3 The Council acknowledges that overly burdensome regulation and cost will discourage town centre community and cultural activity, particularly the requirement for each individual trader to obtain their own Consent. In order to encourage town centre activity, the Council have developed multiple user Consents that will simplify this process (see sections 3.6, 3.7 and 3.8).

### **3.6 Town Centre Consents**

- 3.6.1 The Council will issue Town Centre Consents that cover areas of land that are suitable for street trading use. Each Town Centre Consent will be accompanied by a plan clearly identifying those areas covered by the consent. This will remove the need for each individual trader to obtain a consent and should encourage town centre activity.
- 3.6.2 The consents can be issued for a maximum period of twelve months and will be to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the consent.
- 3.6.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.
- 3.6.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow his/her consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.

- 3.6.5 Any person or organisation may apply for a Town Centre Consent, however, in order for a consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.6.6 The consent holder will be required to keep records of all traders that use the Town Centre Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.6.7 The consent holder will be required to keep records of all traders that are refused use of the Town Centre Consent including, date, name and company name (where appropriate), address, contact number and reason for refusal.
- 3.6.8 In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder, or in the case of organisations the individual nominated to manage the use of the consent, must make the determination in accordance with the principles contained within paragraph 3.4 above.
- 3.6.9 Town Centre Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

### **3.7 Special Events / Markets Consent**

- 3.7.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Special Events / Markets Consents that facilitate multi-user street trading for markets or community events.
- 3.7.2 The consents will be issued for the duration of a specified event only and will be to a named individual. Where the application is made by an organisation they must nominate a named individual who will be responsible for managing the use of the consent.
- 3.7.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.
- 3.7.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow his/her consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.7.5 Any person or organisation may apply for a Special Events / Markets Consent, however, in order for a consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.7.6 The consent holder will be required to keep records of all traders that use the Special Events / Markets Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.

3.7.7 Special Events / Markets Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

### **3.8 Council Land Consents**

3.8.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Council Land Consents that facilitate multi-user street trading on Council owned land.

3.8.2 The consents will be issued for the duration of a specified event only and will be to a named individual. Where the application is made by an organisation they must nominate a named individual who will be responsible for managing the use of the consent.

3.8.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.

3.8.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow his/her consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.

3.8.5 Any person or organisation may apply for a Council Land Consent, however, in order for a consent to be granted the Council will require the applicant to obtain a land licence through the Council's Safety Advisory Group.

3.8.6 The consent holder will be required to keep records of all traders that use the Council Land Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.

3.8.7 Council Land Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

### **3.9 Annual Consents with Quarterly Payments**

3.9.1 The Council acknowledge that the cost of an annual consent can sometimes prove prohibitive to new and small street trading businesses, particularly food and drink vendors in lay-bys.

3.9.2 To assist such commercial activity the Council will offer the grant of a twelve month Street Trading Consent, subject to quarterly fee payments in advance.

3.9.3 Each consent will be issued for a three calendar month period upon the payment of the quarterly fee. Provided that the subsequent quarterly fees are paid prior to the expiry of each quarterly consent, a further consent for three calendar months will be issued until such time as the total consent period has reached twelve consecutive calendar months.

- 3.9.4 Once a consent period of twelve consecutive calendar months has been reached, a renewal application will be required which will be subject to the normal consultation process.
- 3.9.5 If the requirements of section 3.9.3 above are not complied with, the annual consent will automatically cease to have effect, save for exceptional circumstances at the Council's discretion, and no further trading in connection with that consent will be permitted until such time as a new Consent has been granted.

#### **4.0 CONSENT CONDITIONS**

- 4.1 Any Street Trading Consent issued by the Council from 2nd April 2012 will be subject to the consent conditions detailed in **Appendix E** of this Policy.
- 4.2 In response to changing circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to grant, amend or vary a consent.
- 4.3 In the event of a breach of any of the conditions attached to a Consent, the Head of Housing and Public Protection may revoke the consent forthwith. In the event of a revocation, the Council will not be liable to pay any compensation arising from the revocation nor will the Consent Holder be entitled to a refund of any of the Consent fee.

#### **5.0 ENFORCEMENT**

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 5.2 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Housing and Public Protection Statement of Enforcement Policy and Practice.
- 5.3 The responsibility for the overall supervision of street trading lies with the Head of Housing and Public Protection.

#### **6.0 DEPARTURE FROM POLICY**

- 6.1 In exercising its discretion in carrying out its regulatory functions, North Hertfordshire District Council will have regard to this Policy document and the principles set out therein.
- 6.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 6.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Head of Housing and Public Protection may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific

circumstances and will advise Councillors via the Members Information Service (MIS).

## **7.0 AMENDMENTS TO THIS POLICY**

7.1 Any significant amendment to this Policy will only be implemented after further consultation with existing consent holders, relevant stakeholders and the public. All such amendments to this Policy will be undertaken in accordance with the Council's Constitution. For the purpose of this section, any significant amendment is defined as one that is likely to have:

- (i) a significant financial effect on licence holders; or
- (ii) a significant procedural effect on licence holders; or
- (iii) a significant effect on the community.

7.2 Any minor amendments to this Policy may be authorised by the Portfolio Holder for Housing and Environmental Health and undertaken in accordance with the Council's Constitution. For the purpose of this section, any minor amendment is defined as one that does not fall within the scope of a significant amendment defined in paragraph 7.1.

## **8.0 FEES AND CHARGES**

8.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.

8.2 The fees will be reviewed at least on an annual basis and published on the Council's website.

8.3 Should the consent holder wish to vary the Consent at any time during the life of the Consent, an administration fee will be charged. This includes the transfer of a Consent.

8.4 Where a trading consent is surrendered during the life of the Consent no refund will be made by the Council

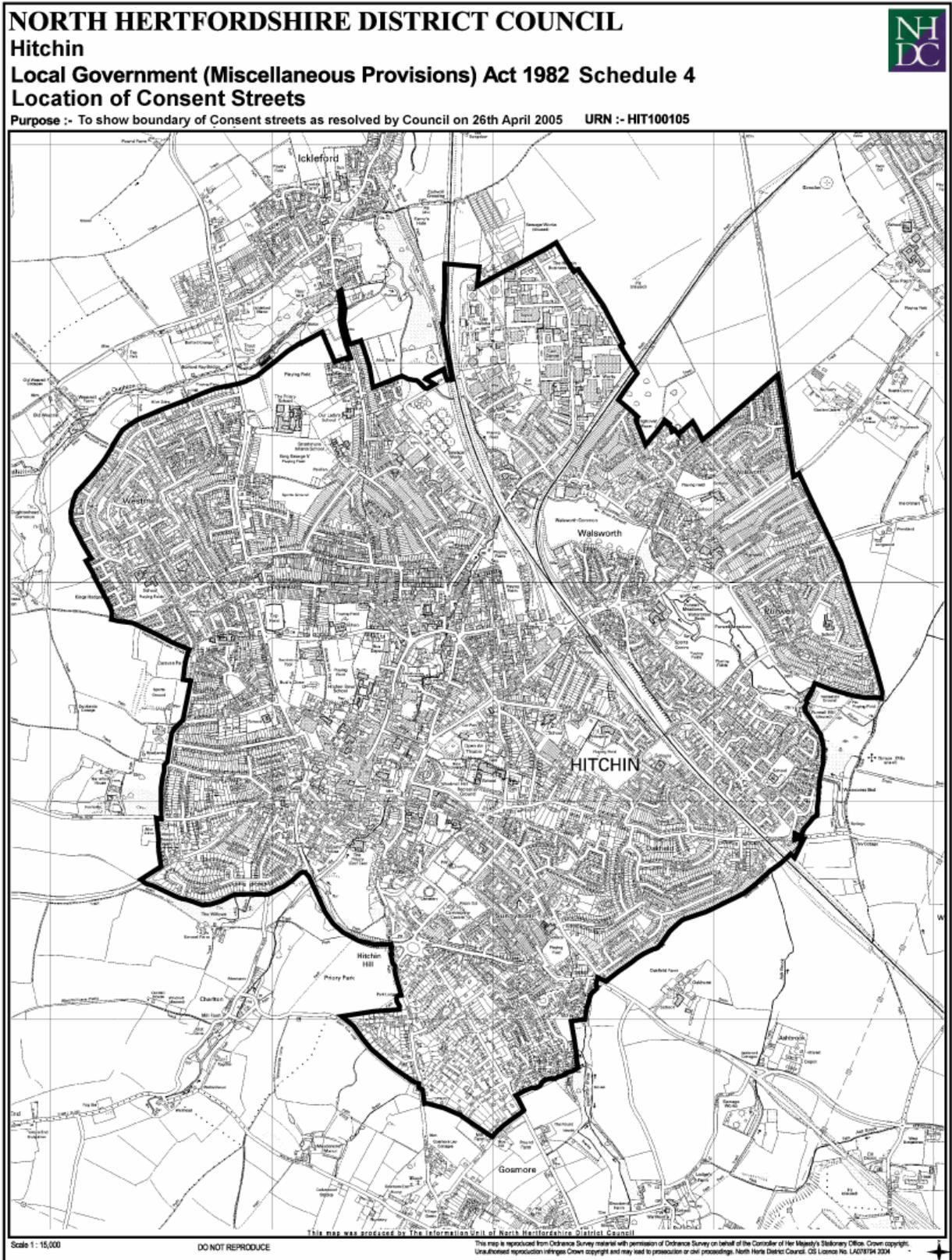
8.5 At its absolute discretion the Council may charge different fees for consents that are for different durations or locations, such as a pro rata rate for occasional consents or concessionary consents in certain circumstances. Not-for-profit organisations will be exempt from application fees.

## 9.0 DEFINITIONS

| <b>TERM</b>   | <b>DEFINITION</b>   |
|---|---|
| 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  | means a street in which street trading is prohibited without the consent of the Council   |
| Council   | means North Hertfordshire District Council  |
| Head of Housing and Public Protection                 | the current post holder (or the Head of Service of the appropriate Service Area following any Subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation                                       |
| Portfolio Holder for Housing and Environmental Health | the Elected Member responsible for Housing and Public Protection (or the appropriate Service Area following any subsequent restructure), who is a member of Cabinet   |
| Street  | includes:<br><br>any road, footway, beach or other area to which the public have access without payment; and<br><br>A service area as defined in section 329 of the Highways Act 1980,<br><br>and also includes any part of a street. |
| Street Trading  | the selling or exposing or offering for sale of any article (including a living thing) in a street.   |

**APPENDIX A**

**CONSENT STREET MAP  
HITCHIN**



**APPENDIX B**

**CONSENT STREET MAP  
LETCHWORTH GARDEN CITY**

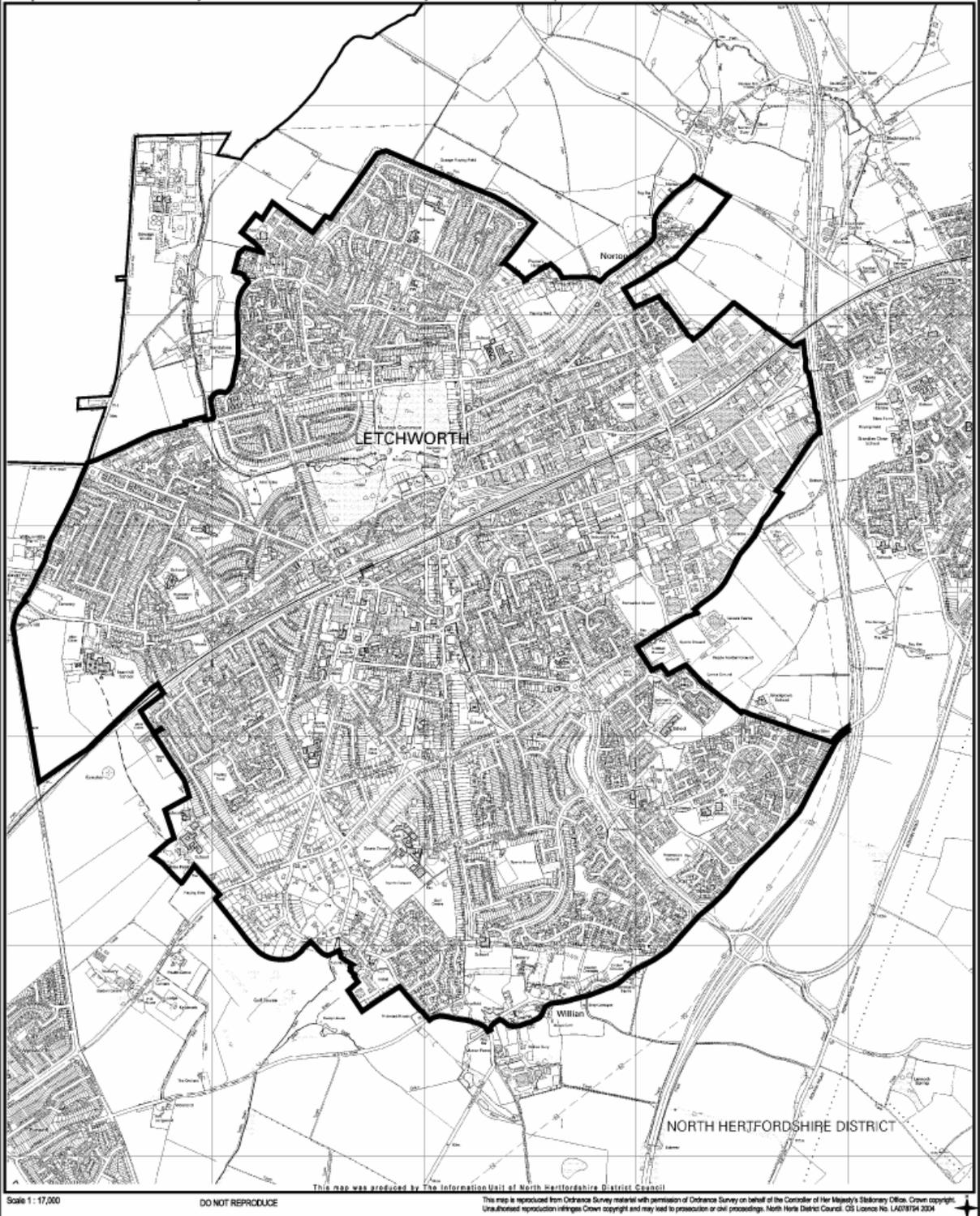
**NORTH HERTFORDSHIRE DISTRICT COUNCIL**

Letchworth Garden City

Local Government (Miscellaneous Provisions) Act 1982 Schedule 4

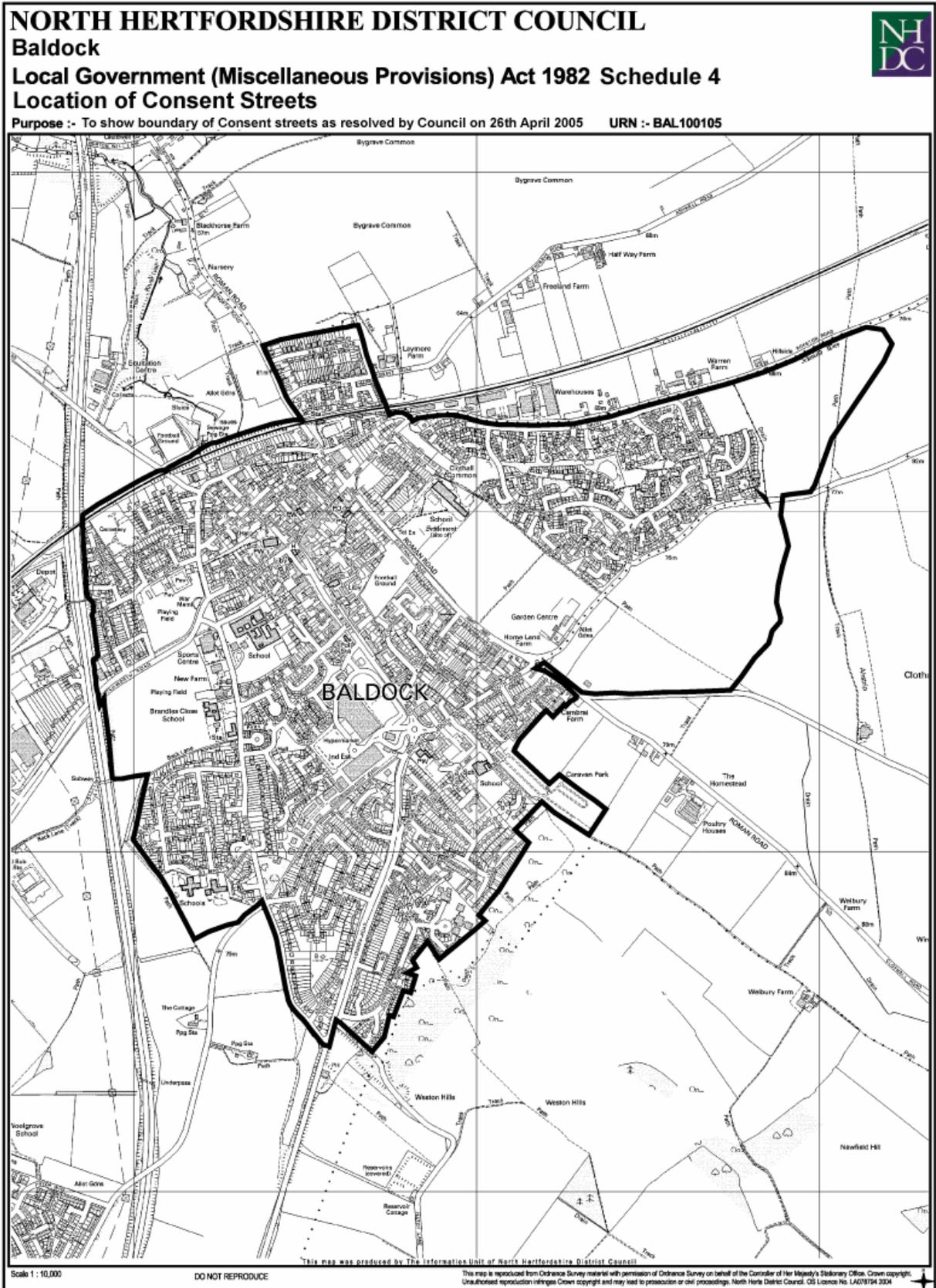
Location of Consent Streets

Purpose :- To show boundary of Consent streets as resolved by Council on 26th April 2005 URN :- LET100105



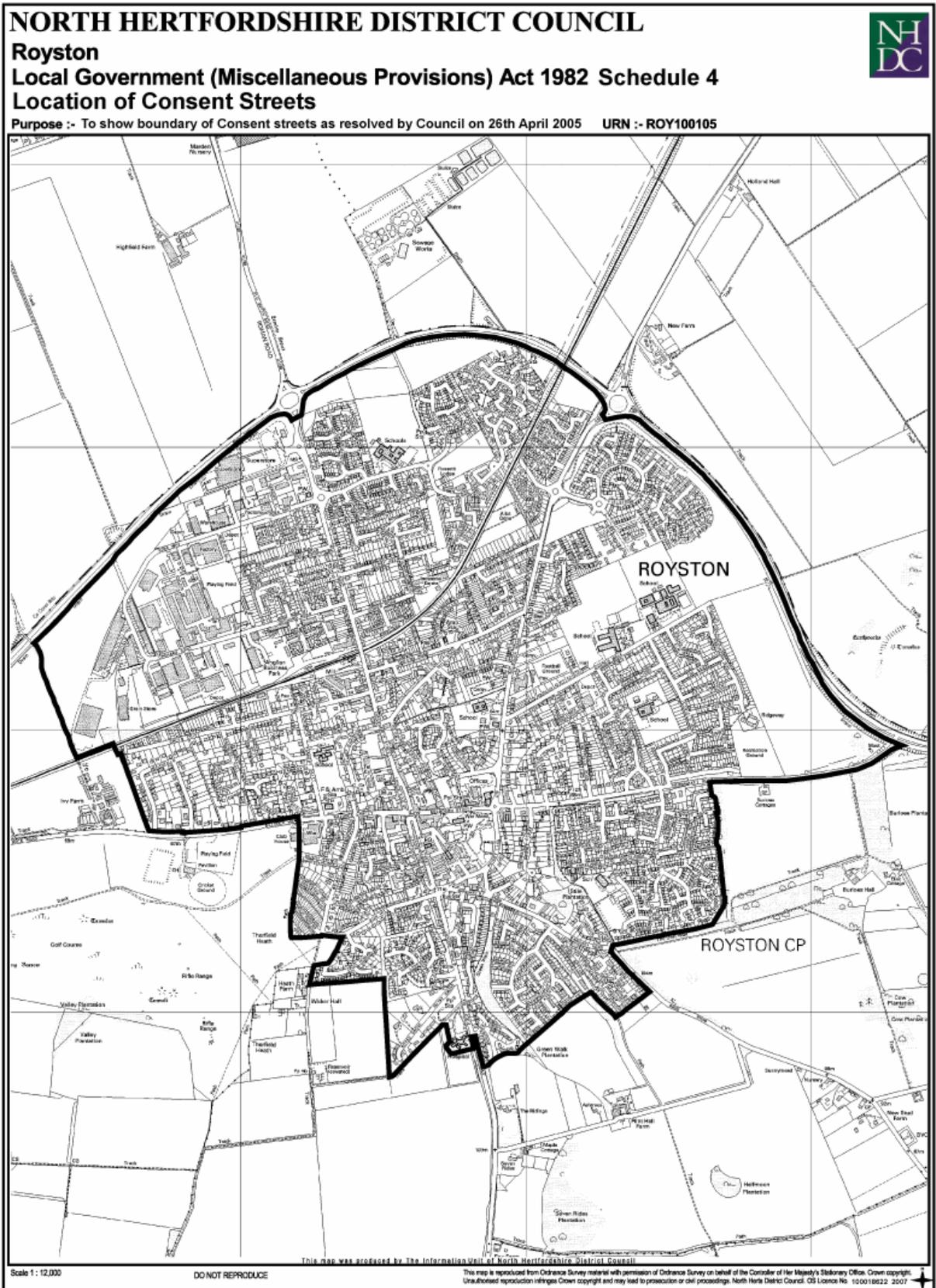
**APPENDIX C**

**CONSENT STREET MAP  
BALDOCK**



**APPENDIX D**

**CONSENT STREET MAP  
ROYSTON**



## APPENDIX E

### **STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENTS**

#### **General**

These Standard Conditions will apply to all consent unless disapplied or varied by the Head of Housing and Public Protection.

#### **Standard Conditions**

1. The Consent granted by the Council is personal to the Consent Holder.
2. The Consent may only be transferred to another person or body with the prior written consent of the Head of Housing and Public Protection.
3. Any van, vehicle, barrow, cart or stall must be maintained in a neat, tidy and safe condition.
4. The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only at the specified location during the permitted hours.
5. Unless specified otherwise in the Consent, the van, vehicle, barrow, cart or stall, including any permitted temporary furniture and advertising, shall be removed from the Consent site at the end of each day's trading.
6. Any temporary furniture (for example, tables and chairs at food vending vans) or temporary advertising material (such as 'A' boards or other signage) will only be permitted at, or in the vicinity of, the van, vehicle, barrow, cart or stall if specified on the Consent.
7. The Consent Holder shall ensure that no advertisements relating to the activities permitted by the Consent are placed or affixed to any structures on the highway or highway land (including street furniture, road signs and grass verges). Any advertisement on private land must have permission from the landowner, proof of which must be provided to the Council in writing prior to the advertising being positioned.
8. The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public.
9. The Consent Holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
10. The Consent Holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition at all times.

11. The Environmental Protection Act 1990 places a duty of care on individuals and businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure that 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 each day's trading. No water or waste material shall be discharged on to the highway or any adjacent property.
12. The Council may remove and store or dispose of any furniture, equipment, advertisement or other structure placed on the street by the Consent Holder, or any person acting on behalf of the Consent Holder, that is not authorised by the Consent or has not been authorised in writing by the Council. The Council shall not be responsible to the Consent Holder for the safe keeping of any furniture, equipment, advertisement or other structure and may levy reasonable charges for the removal, storage and/or disposal thereof.
13. A copy of the Consent must be carried by the Consent Holder, or any person acting on behalf of the Consent Holder, at all times whilst trading and must be produced on demand when required by a Police Officer or an Authorised Officer of the Council.
14. The Consent Holder shall display a suitable sign stating his or her name and trade. The sign must be approved in writing by an Authorised Officer of the Council.
15. The Consent Holder and his/her employees or assistants shall wear suitable clothes appertaining to the trading undertaken and maintain a professional appearance at all times.
16. The Consent Holder shall notify the Head of Housing and Public Protection in writing at Council Offices, P O Box 480, M33 0DE of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
17. The Consent Holder shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
18. The Consent Holder must take adequate precautions to prevent the risk of fire at the van, vehicle, barrow, cart or stall. All hot food vendors are required to comply with current fire safety legislation. Where gas cylinders are used, an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment.
19. A serviceable fire blanket and foam fire extinguisher shall be provided at all vans, vehicles, barrows, carts or stalls selling hot food.
20. All hot food vans, vehicles, barrows, carts or stalls are required to carry a basic first aid kit. The Consent Holder and hot food vendors should know how to give first aid to treat victims of cuts and burns. All hot food vans, vehicles, barrows, carts or stalls should have access to a minimum of one mobile telephone that must be serviceable at all times whilst trading.

21. In the case of food vending vans, vehicles, barrows, carts, or stalls, at least one person involved in the preparation and sale of food must hold a current Level 2 food safety certificate accredited by the Chartered Institute of Environmental Health, or an equivalent qualification, and must be present at the site during all trading hours.
22. With the exception of Town Centre Consents, Special Events / Markets Consents and Council Land Consents, the Consent Holder must be the principal trader and have day to day control of the van, vehicle, barrow, cart or stall. The Consent Holder may employ any other person to assist in operating the van, vehicle, barrow, cart or stall and shall notify the Council of the name and address of such persons. Anyone who operates a van, vehicle, barrow, cart or stall other than the Consent Holder must be authorised in writing by the Council. An administrative fee will be payable for such authorisations.
23. The Consent Holder shall permit the Council, or any other statutory body, to have access to the area designated within a Consent at any time without notice for any purpose whatsoever including, but not limited to, carrying out works to the highway or private land, or inspecting the same, or otherwise.
24. The Council may revoke the Consent at any time.
25. The Consent Holder will return the Consent to the Council immediately upon revocation or surrender.
26. In the event of the Consent being surrendered or revoked before the expiry date, no refunds will be given.
27. The Council may at any time vary these Conditions without notice.

#### **Additional Conditions for Static Pitches**

1. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
2. Nothing contained herein shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

#### **Additional Conditions for Town Centre Consents**

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Town Centre Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Town Centre Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.

4. The Consent Holder must keep records of each stallholder that uses the Town Centre Consent, to include:
  - date of use;
  - location of stall and/or pitch number;
  - name and company/organisation name;
  - trader's home address;
  - trader's vehicle registration; and
  - trader's contact telephone number
5. The Consent Holder must keep records of each stallholder that is refused use of the Town Centre Consent, to include:
  - date of proposed use;
  - location of proposed stall;
  - name and company/organisation name;
  - trader's home address;
  - trader's contact telephone number; and
  - reason for refusal
6. In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder must make his/her determination in accordance with the principles contained within paragraph 3.4 of the Street Trading Policy.

#### **Additional Conditions for Special Events / Markets Consents**

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Special Event / Market Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Special Event / Market Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Special Event / Market Consent, to include:
  - date of use;
  - location of stall and/or pitch number;
  - name and company/organisation name;
  - trader's home address;
  - trader's vehicle registration; and
  - trader's contact telephone number

#### **Additional Conditions for Council Land Consents**

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.

2. The Consent Holder may make a reasonable charge for the use of a Council Land Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Council Land Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Council Land Consent, to include:
  - date of use;
  - location of stall and/or pitch number;
  - name and company/organisation name;
  - trader's home address;
  - trader's vehicle registration; and
  - trader's contact telephone number

FINAL POLICY (as adopted by Cabinet)

## APPENDIX F

### **SCHEDULE OF STREETS, OR PARTS OF STREETS, WHERE CONSENT PERMIT APPLICATIONS WILL ORDINARILY BE REFUSED**

1.0 Baldock

- (i) Old slip road off South Road at the roundabout with London Road

2.0 Hitchin

None

3.0 Letchworth Garden City

- (i) Arena Parade
- (ii) Gernon Road
- (iii) Station Road
- (iv) A505 (Letchworth Gate) from the junction with the A1 (Junction 9) to the junction with the A505 (Pixmore Way / Baldock Road roundabout)
- (v) Norton Way South between the junctions with Gernon Road and Station Road
- (vi) Rushby Mead between the junctions with Birdshill and Hillshott

4.0 Royston

None

5.0 Arterial Roads

- (i) All arterial roads with the exception of designated lay-bys