

Report of:	Head of Economic Development
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Key Decision:	No
Report Track:	Council: 18/10/17

**COUNCIL
18 OCTOBER 2017
AMENDED STREET TRADING POLICY 2017**

1 Purpose of Report

- 1.1 To seek approval and adoption of an updated Street Trading Policy (“the Policy”).

2 Recommendation

- 2.1 That the Cannock Chase District Council approves and adopts the Policy at Appendix 1 to this report.
- 2.2 That the Head of Economic Development be authorised to administer and enforce all aspects of this Policy;
- 2.3 That the Head of Economic Development be authorised to make required amendments to the Policy due to changes in legislation or government guidance and minor variations to the Policy in the interests of operational efficiency / service improvement.

3 Key Issues and Reasons for Recommendation

- 3.1 Members are asked to note that the Council’s Street Trading Policy (The Policy) has been updated in order to reflect changes required by the introduction of a new Pavement Café & Commercial Obstructions Policy. A copy of the Policy following amendment is attached as Appendix 1.
- 3.2 The opportunity has also been taken to tidy up the document and make amendments which reflect changes in our practices and requirements as well as taking into account the retirement of the Head of Environmental Health.
- 3.3 If approved, the adopted policy document will be reviewed every 3 years to ensure its effectiveness in meeting its objectives.

- 3.4 The current Street Trading Policy has been successful in regulating street trading activity and remains substantively unchanged since its adoption by Council in July 2014.
- 3.5 Since the policy changes are minor in nature, there has been no requirement for public consultation.

4 Relationship to Corporate Priorities

- 4.1 The Policy contributes to the Council's "Better Jobs and Skills" and "Cleaner and Safer Environments" Priorities in that a well managed street trading regime:
- Provides employment and business opportunities;
 - Prevents the uncontrolled proliferation of street traders which potentially pose a safety risk to the general public;
 - Ensures that street trading is dealt with in a fair and open way;
 - Ensures unimpaired access into our town centres for pedestrians and emergency vehicles;
 - Makes a positive contribution to the local amenity by adding interest, vitality, colour and life to our town centres;
 - Ensures all traders are screened using a Disclosure and Barring Service (DBS) check to identify those with history of theft or fraudulent trading;
 - Implements risk-based, proportionate controls, ensuring all businesses are treated equitably;
 - Ensures non compliant businesses do not gain unfair competitive advantage.

5 Report Detail

- 5.1 The whole of the Cannock Chase District and every street within it (with the exception of Cannock Shopping Centre) is designated as a Consent Street. This designation includes private land to which the public have access without payment and, on that basis, it is intended that no street trading may take place within the area without first obtaining the appropriate Street Trading Consent. This includes both mobile and static street traders as well as ice cream vans and those traders who travel the district selling goods (including foodstuffs and sandwiches etc.).
- 5.2 The current Street Trading Policy was adopted in 2014 and remains fit for purpose. The changes referred to in this report are relatively minor and stem largely from the review of the Policy carried out as part of the 2016-17 Better Jobs and Skills PDP (supporting attractive and competitive town centres). Going forward it is recommended that the Head of Economic Development be authorised to make such minor amendments.

5.3 Key changes to the current Policy:

- Page 2: Specific mention is now made of the Council's Pavement Café and Commercial Obstructions Policy;
- Page 3 & 4: Section 3 on Exchange of Information and Data Protection have been added to the document;
- Page 5: Reference to the need for professional food traders to apply for a street trading consent has been made clear and a clause has been added which permits traders already consented to trade within the District, to trade without charge at events such as fetes, festivals, carnivals or street markets;
- Page 6: Paragraph (f) now specifically requires those who trade on private land to seek explicit permission to do so from the land owner;
- Page 7: Two paragraphs have been added which are designed to flexibly support small businesses in obtaining a foothold within the trade;
- Page 12: Paragraph (i) relating to market days, has been updated to make reference to both Cannock & Rugeley market days;
- Page 13: In paragraph 14, reference has been updated to the payment of Consent fees by instalments;
- Page 15: The reference to Enforcement Principles has been updated;
- Page 18: (Electricity) Changes have been made which ensure that only "silent" generators can be used to provide power.

6 Implications**6.1 Financial**

None. Every effort is made to ensure full recovery of costs for all administration and compliance activity relating to street trading.

6.2 Legal

The updated Policy ensures the Council discharges its statutory licensing functions effectively and that decisions made by Officers and Members are transparent, proportionate and comply with Human Rights and Equalities legislation.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

Regulation and control of street trading activity minimises opportunities for traders to cause nuisance to established businesses or the public and ensures, so far as possible, that traders are reputable.

6.5 Human Rights Act

None.

6.6 Data Protection

The updated Policy fully complies with current data protection requirements.

6.7 Risk Management

The Policy ensures the Council is able to effectively discharge this function. All businesses are treated equitably, so minimising the risk of challenge from aggrieved parties.

6.8 Equality & Diversity

This report refers only to minor amendments to an existing policy. No additional requirements or constraints have been placed on street traders by these amendments and the existing Equality Impact Assessment remains fit for purpose.

The document will be made available in large print, Braille and as an audio version, on request.

6.9 Best Value

None

7 Appendices to the Report

Appendix 1

Updated Street Trading Policy

Previous Consideration

Revised Street Trading Policy	Council	16 July, 2014
Amended Street Trading Policy	Council	15 January, 2014
Street Trading Policy	Council	29 February, 2012

Background Papers

None



Cannock Chase District Council

Street Trading Policy

Amended 18 October 2017

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1. Introduction and scope of the policy

This Policy will be applied to all street trading activities within the Cannock Chase District Council area. It is intended to assist in the consistency of decision making and enforcement. The aim is to ensure that the Council acts consistently in their dealing with street trading and that traders operate within the law and act fairly in their dealings with the public.

Each application will be considered on its own merits so that individual circumstances may be taken into account and exception may be made to this Policy where appropriate.

The Policy is intended to be read in conjunction with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and Cannock Chase Council's Policy for the Commercial Use of the Highway.

The web link to the Council's current Policy for the Commercial Use of the Highway is available at: <http://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms/licensing>

The whole of the Cannock Chase District Council area and every street within it is designated as a Consent Street. This designation includes private land to which the public have access without payment and on that basis, it is intended that no street trading may take place within the area without first obtaining the appropriate Street Trading Consent. This includes both mobile and static street traders as well as ice cream vans and those traders who travel the District selling goods (including food stuffs, sandwiches and coffee etc.)

It should be noted that those who street trade within the Cannock Chase District without appropriate Consent will be dealt with appropriately, having regard to the Service Enforcement Policy which is available at <http://www.cannockchasedc.gov.uk/residents/environmental-health/environmental-health-enforcement-policy>

This Policy applies to those streets designated as consent streets. For the avoidance of doubt, no living thing shall be sold on any street. Nor shall any second hand electrical goods, counterfeit goods, DVD's or similar merchandise be sold on any street.

Only those items specifically permitted by the Street Trading Consent may be sold by the consent holder.

Utilities traders, car sales promotions and those who are simply promoting goods, services or events within the area will be dealt with by way of the Council's Policy for the Commercial Use of the Highway.

2. Consultation on submitted applications

Before a Street Trading Consent is granted (or on renewal if it is considered appropriate), the Council will consult with appropriate organisations and agencies. In particular, the following organisations or agencies may be consulted:

- Staffordshire Police
- Staffordshire Fire & Rescue Service
- Staffordshire County Council Development Services Directorate (Highways)
- Staffordshire County Council Trading Standards
- CCDC Food & Safety Team
- CCDC Environmental Protection Team
- CCDC Planning Department
- CCDC Property Services Department
- Any appropriate Parish or Town Council
- Chamber of Commerce
- Other Local Authorities

The above list is not exhaustive and others may be consulted as appropriate. Written observations will be sought within a **7 working day period** and responses will be taken into consideration when determining an application. In some cases, where applications are made for street trading upon highways such as main roads etc., it may be necessary to extend the consultation period to **14 working days**.

3. Exchange of information and data protection

When an individual or an organisation provides information to the Council, it is held in accordance with the Data Protection Act 1998. Data provided to the Council is used for processing applications, recording permission holders and for regulatory and enforcement purposes.

The Council may share data with other departments and partners of the Council and other agencies where required by the licensing/registration procedure and for regulation /enforcement but data will not otherwise be passed on to any other party.

While certain information may be disclosed under the Freedom of Information Act, some information may be held on a publicly available register, and may be posted onto the Council website; personal data will be protected unless it is also official business data (e.g. a trader whose registered business address is also his home).

The Council has a duty to protect the public funds it administers and to this end, may use the information provided for the prevention and detection of fraud. It may also share information with other bodies responsible for auditing or administering public funds for these purposes, e.g. UK National Fraud Initiative.

The Council holds and uses data in accordance with the Data Protection Act 1998. Stakeholders should be aware that information provided may be used and shared with other departments and agencies in order to assist in the prevention and detection of crime and to protect public funds.

4. Equality and diversity

Through policies and service delivery, the Council's main aims for ensuring equality and diversity are to:

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Promote good relations between diverse communities

A link to the Council's Equalities and Diversities Policy can be found here:

<http://chaseweb.cannockchasedc.gov.uk/chief-executives-policy-and-performance/equality-and-diversity>

5. Definitions of terms used in these guidelines

Within the terms of the Cannock Chase District Council's Street Trading Consent Scheme, the following definitions apply:

The Council:	Cannock Chase District Council
Street Trading:	The selling or exposing or offering for sale of any article (including a living thing) in any street.
Street:	Includes: <ul style="list-style-type: none">(a) any road, footway, or other area to which the public have access without payment;(b) a service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
Consent Street:	Means a street in which street trading is prohibited without the consent of the Council.
Consent:	Consent to trade on a street granted by the Council, pursuant to Paragraph 7, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder:	The person or company who having made appropriate application and to whom the Consent to trade has been granted by the Council.
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.

Recognised organisations include the district, town and parish councils as well traders associations and established event organisers.

6. Exclusions from the policy

It is not intended that this Policy should apply to those who are trading with the benefit of a Pedlars Certificate granted under the Pedlars Act 1871 & 1881 or rounds men or mobile canteens which are dedicated to a work site to which the public have no access.

Nor is it intended for the commercial use of the Highway or those who are simply promoting services or events within the area. Further, it will not apply to the private land known as the Cannock Shopping Centre, Market Hall Street, Cannock or land and parks owned by Cannock Chase Council.

Consent issued to ice cream vans will exclude trading within the Council's parks.

Street markets will always require proper street trading consent from the Council's Licensing Unit, however, fetes, festivals, carnivals which are managed by recognised organisations will not normally require street trading consent from the Council's Licensing Unit. Organisers should notify the Licensing Unit of any proposed event so as to ensure that there are no conflicting events or activities scheduled in the same location.

Registered food traders e.g. a fast food catering units working at those events, will require street trading consent and be required to follow the application process in order to obtain street trading consent.

Those traders who possess a Street Trading Permit from the Council which already permits them to trade elsewhere within the District, should notify the Licensing Unit that they intend to trade at an organised events such as a fete, festival, carnival or street market but will not normally be required pay an additional fee to trade.

Where organised events are intended to take place within Council owned parks, permission must be sought from the Council's Parks and Open Spaces Department. Where the organised event is intended to take place on other Council owned land, permission must be sought from the Council's Property Services Department. Permission must obtained before the event takes place. Both departments are available on 01543 462621.

Individual traders who wish to trade upon Council owned parks or land will also need to seek similar permission from either the Parks and Open Spaces or the Property Services Departments.

Organisers must ensure that their events are notified to the Southern Licensing Unit at Staffordshire Police. They are available at:

Southern Licensing Department,
Burton Police Station,
Horninglow Street,
Burton-on-Trent,
Staffs, DE14 1PA
Phone 01785 238222

Email: southern.licensing@staffordshire.pnn.police.uk

Registered charities and non profit making organisations may be exempt from paying a fee to street trade. A written request for fee exemption must be provided to the Council on the charity's letter headed paper which must be signed by a responsible person such as a Director or Trustee of the Charity.

7. Procedure for determining street trading consent applications

The approval procedure stages are set out at Annex 1.

Applicants who are considering long term street trading consents may wish instead to consider becoming a formal market trader within one of the Council's market halls by contacting the Council's Property Services Department.

8. Submission of the application

An application for a Street Trading Consent must be made to the Council in writing. The Application form is available online at:

<http://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms-licensing>

The following will be required:

- (a) A completed and signed application form.
- (b) The appropriate fee as for the period of trading applied (see Section 9 of this document.) Please note that cash payments cannot be accepted.
- (c) An original copy of the certificate of insurance that covers the street trading activity for third party and public liability risks with a minimum cover of £5,000,000 (Five million pounds).
- (d) A recent passport size photograph of the applicant.
- (e) A recent Basic Disclosure from Disclosure Scotland. This is to ensure that the Council properly exercises its duty under s17 of the Crime and Disorder Act 1998 and to ensure applicants' propriety in respect of unspent convictions for matters such as theft or fraud.

The Certificate must be issued by Disclosure Scotland within a reasonable period (approximately 3 months) of the initial application being made to the Council and will need to be renewed from time to time.

- (f) For traders applying to trade on private land, a letter from the land owner giving their permission for the applicant to trade on their land.

Where the Council considers it appropriate, the following must also be provided:

- (g) Where the proposed street activity is from a fixed position outside any of the three town centres (Cannock, Hednesford or Rugeley), a copy of a map of at least 1:1250 scale is required. The map should clearly identify the proposed site position by marking the site boundary with a red line.
- (h) Details of the local authority with which the applicant has registered their food business and the date of the last food hygiene inspection and the food hygiene rating.
- (i) A photograph of the pitch/stall/vehicle etc.
- (j) A completed risk assessment where a large or complex street trading event is proposed. The risk assessment must be completed by a competent person.
- (k) Evidence that the applicant is entitled to reside and/or work within the UK
- (l) Certificate of Inspection for LPG and gas appliances.
- (m) If a portable generator is to be used, it must be a silent generator. Details of the make and model should be provided on the application form.

A new applicant for an initial Street Trading Consent should give a minimum of 15 working days notice of the application.

This will allow for a proper consultation period to be undertaken. Applicants should have a reasonable command of the English language and be aware that false statements or misrepresentation may result in the refusal of the application or revocation of the Consent.

Where convenient, shorter term consents may also be issued on either a daily, weekly or monthly basis and where new applicants intend to trade in non established goods or within a new area they will be encouraged by the Council to apply for the minimum duration and thereafter on a basis that meets the requirements.

These will be encouraged by the Council particularly where new applicants intend to trade in non established goods or within a new area.

If required, support for new businesses or for business growth is available from the Council's Planning and Economic Development Department at: EconDev@cannockchasedc.gov.uk

Consents will expire on the date specified and care should be taken to ensure that applications for renewal are submitted in sufficient time for a new Consent to be issued. The Street trading fee structure reflects the possibility of consents being granted for a trial period.

Renewals will normally take 5 working days, unless the consent holder has been the subject of complaint to the Council, in which case a further consultation with appropriate agencies may be required and the time for processing the application may be extended.

9. Fee structure

The Council will employ a three tiered fee structure in the administration of its Street Trading Policy. Please note that cash payments cannot be accepted.

Tier 1

Encompasses all those who are street trading within the District as a whole or those on private land to which the public have access without payment. The fee payable to trade within this environment is a one off fee per annum. This includes those who trade on industrial estates, ice cream vans and others who travel within the Cannock Chase District selling goods (including foodstuffs) and are not defined as rounds men.

Tier 2

Includes all those who street trade on highways land such as main and side roads, roadways and laybys. The fee payable to trade within this environment is payable on a daily basis.

Tier 3

Is available for those who wish to street trade within the town centres. The fee to trade within this environment is payable on a daily basis.

All of the above fees are reviewed on an annual basis and are published on the Council's website under "Fees and Charges". A hard copy of the fees and charges can be viewed on request.

Registered charities and non profit making organisations may be exempt from paying a fee to street trade.

A written request for exemption must be provided to the Council on letter headed paper and be signed by a responsible person such as a Director or Trustee of the Charity. This letter may then be emailed to the Council's Licensing Unit at: licensingunit@cannockchasedc.gov.uk

10. Site assessment

Street Trading Consents from static locations will **not** normally be granted where there is one or more of the following:

- A valid objection;
- A significant detrimental effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site;
- Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity is proposed to be sited;
- There would be a loss of amenity caused by traffic, noise, litter, rubbish, vermin, odour or fumes;

- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes;
- There is a conflict with a Traffic Order such as waiting restrictions;
- The proposed site/pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- The proposed trading site/pitch would obstruct the safe passage of users of the footway or carriageway;
- The site/pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- The proposed site/pitch does not allow the Consent Holder, staff or customers to park in a safe manner;
- The street trading activity is proposed to be 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.

11. Inspection of the street trading unit

The vehicle, van, trailer, stall, unit or other device to be used for the proposed street trading activity may need be inspected by an authorised officer of the Council prior to the issue of any Street Trading Consent. This will particularly be the case where officers from the food & safety team need to inspect trailers etc. from which it is proposed to sell food items.

The vehicle, van, trailer, stall, unit or other device used for the street trading activity shall comply in all respects with the legal requirements relating to the type of street trading activity proposed. Where issued, the street trading consent holder or food business operator must clearly display a food rating sticker upon the consented mobile unit.

Any vehicle, van, trailer, stall, unit, or other device to be used shall comply with the following legislation and any other regulations made thereunder or relating to or modification or re-enactment:

- Food Safety Act 1990
- General Food Regulations 2004
- Food Safety & Hygiene (England) Regulations 2013
- Regulation (EC) No.852/2004.
- Health and Safety at Work etc. Act 1974
- Environmental Protection Act 1990.
- Licensing Act 2003
- Health Act 2006

12. Determination of the application

Council officers, using powers delegated to them, will use the criteria listed below to determine any street trading application. The criteria will assist in the determination of what is in the best interests of the Council when making a decision but is not exhaustive in this respect.

Any objections received will be considered against these criteria. All of the said criteria should normally be satisfied with appropriate weight applied to the criteria listed. Each case will be assessed on its own merits.

- a) **Public Safety:** The location of the proposed street trading activity shall not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to customers availing themselves of any street trading activity, as well as other members of the public using the street. In particular, reference will be made to the guidelines set out in Section 10 on site assessment criteria.
- b) **Public Order:** The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations and comments from Staffordshire Police will be taken into consideration.
- c) **Avoidance of Nuisance:** The street trading activity must only take place in the area designated by the Licensing Unit. This will normally be by means of a plan provided with the street trading consent.

Trading must not cause unnecessary obstruction and must not present a significant risk of nuisance from noise, rubbish, potential for the harbourage of vermin, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council licensing officers, other enforcement officers and the Police shall be taken into consideration.

Traders should be aware that the Health Act 2006 prohibits smoking within substantially enclosed premises. Where a vehicle, van, trailer, stall, unit, or other device used for street trading is not substantially enclosed, the Council strongly discourages traders from smoking within them. This will help avoid unnecessary complaints.

- d) **Visual Amenity:** The Council expects a high standard of presentation and appearance from its street traders. Tables or stalls used for street trading shall not normally be more than 4 metres in length and 1 metre in width. The size of specialist or bespoke stalls will be considered on their own merit.

The stall shall be covered with an appropriate clean and non patterned sheet or other covering in order to ensure they are not cause for complaint to the Council because of the poor visual amenity they afford.

No items shall be placed on the floor or within half a metre of it. Bread trays/baskets or similar containers must not be used to provide storage, shelving, support or display for goods. Any items placed next to the stall or table must be immediately adjacent to it.

- e) **Needs of the Area:** The sufficiency of other trading outlets will be taken into consideration in relation to:
- The presence of like outlets (mobile or otherwise) already existing in the immediate locality of the proposed street trading site. This is normally a distance of 50 metres within town centres but may be much further in other areas such as on roadsides or industrial estates.
 - The general needs of a locality, should no comparable outlets exist.

Under normal circumstances, no two street traders selling the same goods will be permitted to trade in the same location on the same day. Where problems arise, applicants may have to demonstrate to the Council the need for the proposed street trading activity in relation to the 2 bullet points above.

There is limited space available for street trading within the district town centres. The trading spaces vary in size, shape and suitability for a variety of different types of stalls etc. Therefore, it might be necessary to refuse an application because an appropriately sized trading pitch is not available. For this reason, it is important that all traders' trade in the position allocated to them by means of a town centre plan which is attached to the Street Trading Consent.

Consent holders may be asked to move their trading position from time to time if it is considered necessary to do so by the Council. This may be with immediate effect on occasions. Traders are also encouraged to work with other traders when setting up should there be an event taking place or an unusual vehicle, van, trailer, stall, unit or device i.e. children's fair ground ride present in the town centre.

- f) **Compliance with legal requirements:** The proposed street trading activity should only be carried out from a trading unit which complies with the relevant legislation set out in Section 11 of this Street Trading Policy.
- g) **Consultee Observations:** In relation to points (a) – (e) above, consideration will also be given to written observation from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.
- h) **Permitted Trading Hours:** The Council will generally only permit street trading between 0700 hours and 1700 hours on any one day. The Council, however, retains the right to specify permitted hours of trading that are less than those given above if local circumstances dictate. The individual needs of the applicant will be

considered on every occasion and in particular where evening events are taking place within the town centres.

Street trading late at night will be assessed in terms of the criteria detailed above as well as the requirements of the Licensing Act 2003 in relation to late night refreshment between the hours of 23.00 hours and 05.00 hours.

- i) **Market days:** Street Markets will take priority over street trading consent holders.

Cannock: A large street market visits Cannock town centre every Friday and no individual street traders are permitted to trade on that day except for a very small number of already established food traders.

Any trader who wishes to enquire about trading on a Friday in Cannock town centre will be referred to the market provider, Sketts & Co either by telephone on 01789 267000 or by email at info@sketts.co.uk.

Rugeley: Any traders who wishes to street trade within Rugeley town centre on a market day will be offered a consent to trade within Brook Square and not Market Square. Enquiries about trading on the Rugeley street market on market days should be directed to the Licensing Unit.

Should street market providers wish to visit any of the town centres, care will be taken to ensure that both street traders and market traders can be accommodated wherever possible.

13. Approval of applications

Council officers, using delegated powers may approve or refuse applications using the criteria contained within these guidelines.

On approving an application, the Council will issue a Street Trading Consent to which conditions will be attached. The consent will also contain specific terms such as days, hours and place that street trading is permitted and the goods that may be sold.

Care must therefore be taken by the applicant when listing the goods which are to be sold. **No goods may be sold or displayed which are not specified on the Street Trading Consent.**

Changes to the consented goods may require a new application to be made and further consultation to be sought. Minor amendments such as the addition of related items to the Consent may be made however, the current administration fee will be charged.

Standard conditions are attached to all street trading consents however, additional conditions may be attached where it is appropriate to do so.

The conditions attached to the Consent or printed upon the back of it, form part of the approval the Council. The conditions must be complied with at all times. Failure to do so could lead to the Street Trading Consent being either revoked, or not renewed.

Consent holders are therefore encouraged to take time to familiarise themselves with the conditions attached to their Street Trading Consent.

14. Issue of street trading consents

A Street Trading Consent for any particular pitch will be issued for a maximum period of 12 months. Consents may be issued on an annual basis and invoiced on a quarterly basis. In some circumstances they may also be paid for in monthly or bi-monthly instalments.

A Street Trading Consent will be issued for a minimum of four days during a one month period. Non payment of fees or instalments will lead to the Consent being revoked.

In all cases, when Consent has expired and an application has not been submitted for renewal at least 5 days earlier, a new application will have to be made. In such cases, the application may be required to go through the full consultation process outlined within this Policy.

If a cheque is not honoured by a bank this will result in the revocation of the Street Trading Consent issued by the Council unless payment of the outstanding fees is made immediately upon request of the Licensing Unit. In such cases, an administration charge may also be imposed on the Consent Holder.

Normally, street trading consents will be posted to the applicant. By agreement in other cases, the Consent can be collected from the Civic Centre on the morning of the day of trading.

Street Trading Consents may be revoked without notice if it is considered in the best interests of the Council to do so.

15. Refusal of applications for street trading consent

If the application for a Street Trading Consent is refused, the applicant will be notified in writing of the decision and the reason for the refusal within 7 working days.

The Local Government (Miscellaneous Provisions) Act 1982 does not facilitate any legal appeal against the decision of the Council in relation to the refusal of Street Trading Consents. Any decision to refuse an application will involve consideration of what is in the best interests of the Council. Council officers will use the criteria given in Section 12 on determination of the application, in determining what is in the best interests of the Council. Any person aggrieved by a decision of the Council may seek a Judicial Review of the decision.

16. Decision not to renew or to revoke a street trading consent.

If Council officers determine not to renew or to revoke an existing Street Trading Consent, the applicant/consent holder will be notified in writing of the decision within 7 working days giving reasons for not renewing or revoking the Consent.

The Local Government (Miscellaneous Provisions) Act 1982 does not facilitate any legal appeal against the Council in relation to a decision not to renew or to revoke a Street Trading Consent. However, any person aggrieved by a decision of the Council may seek a Judicial Review of the decision, should it be felt necessary.

17. General information on street trading consents

Reimbursement of Fee: Fees will not normally be reimbursed to consent holders where they are unable to trade on a given day (for whatever reason). Fees may be reimbursed where traders cease to trade and surrender their Consent to the Council. Any reimbursement will be strictly from the date the Consent is surrendered to the Council. A small administration fee will be deducted from the final settlement. Refund of any fee paid to the Council in connection with the granting of a Street Trading Consent will be based on the number of trading days remaining, divided by the daily fee paid, **less** an administration fee.

Alcohol: The sale of alcohol will not normally be permitted by Street Trading Consent. However, the District's town centres are licensed by the Council under the Licensing Act 2003 and permission may be sought under the authority of a Temporary Event Notice (TEN) in respect of the sale or supply of alcohol or the provision of late night refreshment as part of larger community events. An application form is available from the Licensing Unit.

Persons under the age of 17 years: In accordance with the Local Government (Miscellaneous Provisions) Act 1982, the Council is unable to grant a Street Trading Consent to any person under the age of 17 years.

Access/inspection by Council and Police Officers: Consent holders must allow access to authorised officers of the Council and police officers at all reasonable times for the purposes of assessing and ensuring compliance with the Street Trading Consent.

Street Trading Consents: The conditions attached to all Street Trading Consents stipulate that a Consent Holder shall not transfer, assign, sub-let or part with his interest or possession of a Street Trading Consent. The Consent Holder will normally be expected to be in attendance at his/her vehicle, van, trailer, stall, unit or other device used for street trading at all times when the Consent is valid. Consents are non-transferable and no sub-letting is permitted.

Variation of conditions: The Council may at any time vary the conditions of a Street Trading Consent if it is considered necessary.

Complaints: Consent Holders are expected to conduct themselves in a clean, honest and business like manner. Any complaint made by any person to the Consent Holder about their business must be referred to the Council's Licensing Unit as soon as possible after it is made.

Display of Permits: The Street Trading Consent which details the permit holders name **MUST** be clearly displayed on the vehicle, van, trailer, stall or other device used for street trading. Failure to comply may result in consents being revoked or not renewed. The address of the consent holder, along with a photograph of themselves will be printed on the rear of the Consent issued and must be made available for inspection by the police or other authorised officers upon requested.

Litter and Waste Disposal: Provision must be made for the proper disposal of waste. There shall be no discharge to drains and no unauthorised depositing of either solid or liquid matter. Street traders should actively prevent windblown or other litter occurring and must not use public litter bins to dispose of their waste.

Vehicles: are only permitted to stay within the town centre if they form part of the Street Trading Consent. Traders should be aware that some town centres are pedestrianised and that vehicle movement must therefore be kept to an absolute minimum. Every effort should be made to enter and leave the town centres before and after the area becomes busy and generally, vehicle movements for the unloading and loading of goods should not take place between the hours of 09.00hrs and 16.30hrs.

It must be noted that the Street Trading Consent does not override existing Traffic Regulation Orders and all vehicles must be parked safely and not upon double yellow lines etc. If the vehicle does not form part of the Street Trading Consent then it must be legally parked elsewhere.

It should be noted that if the vehicle itself is licensed, for example as an Ice Cream Van, then the Council may wish to ensure that the vehicle is taxed and has an appropriate MOT.

Highways: It is not permitted under any circumstances to damage the highway, for example, by hammering into it to provide securing points. Further, it is not permitted to secure notices or advertising boards to street furniture or highway infrastructure by means of chains etc.

Planning: All applicants are encouraged to seek advice from the Planning Department at the Council on the proposed location of their Pitch. Planning permission may be required and it should be noted that Street Trading Consent does not override the need for planning permission to be obtained.

18. Enforcement principles

The Council will endeavour to avoid duplication with other regulatory regimes and will work closely with other agencies. The aim is to promote the policy objectives by targeting known high risk premises following Government guidance around better regulation.

In carrying out its enforcement duties relating to the inspection of premises and the powers to institute criminal proceedings in respect of certain offences under the Act, the Council will have regard to the regulators code and will try to be:

- **Proportionate:**
Regulators should only intervene when necessary. Remedies should be appropriate to the risk posed, and costs identified and minimised.
- **Accountable:**
Regulators must be able to justify decisions, and be subject to public scrutiny.
- **Consistent:**
Rules and standards must be joined up and implemented fairly.
- **Transparent:**
Regulators should be open and keep regulations simple and user friendly.
- **Targeted:**
Regulation should be focused on the problem and minimise side effects.

The Council will adopt a risk-based inspection programme in line with Government recommendations around better regulation and the principles of the Regulators Code. The Regulators Code can be found at: <https://www.gov.uk/government/publications/regulators-code>

This Policy will be applied to all street trading activities within the Cannock Chase District Council area. It is intended to assist in the consistency of decision making and enforcement. The aim is to ensure that the Council acts consistently in their dealing with street trading and that traders operate within the law and act fairly in their dealings with the public. Our contact details are given below:

Licensing Unit,
Civic Centre,
PO Box 28,
Beecroft Road,
Cannock,
Staffs,
WS11 1BG.
Phone: 01543 462621
Fax: 01543 464489
Email: licensingunit@cannockchasedc.gov.uk

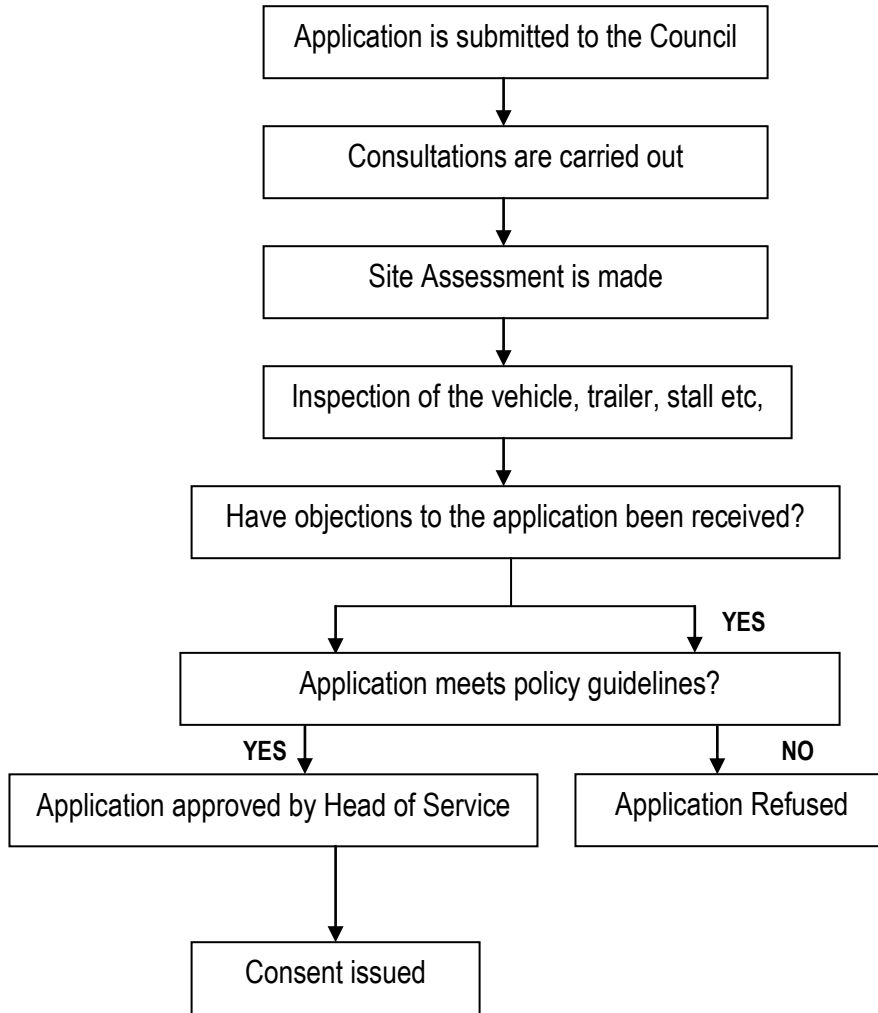
19. Complaints against the service

The Council has a Corporate Complaints Procedure copies of which are available from the Council Offices or on the Council's website www.cannockchasedc.gov.uk.

ANNEX 1

PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

The application and approval procedure comprises of the following stages:



NOTES FOR APPLICANTS

The Council will normally attach Standard Conditions to a street trading consent.

Fees and Charging Structure

The 3 tier fee structure is outlined within Section 9 of the Policy. The fees are reviewed in April each year. Applications must be accompanied by the full fee. Consent will not be issued for longer than 12 calendar months.

Exemptions from consent street charging fees

Street trading consents issued to registered charities and non profit making organisations may be exempt from the consent street trading charges (see Section 9 relating to fee structure).

Safe Use of Liquefied Petroleum Gas (LPG) in mobile catering units

Industry guidance notes are available on the safe use of LPG and applicants will be expected to comply with the advice contained therein. Applicants must have a recent Certificate of Inspection for LPG and gas appliances.

Electricity

Mains electricity is not readily available within the Cannock Town Centre. Requests for use of this facility at a daily rate must be made to the Council at the time of application. Only quiet running generators may be used to provide power.

Noise

The operators of ice cream vans must comply with the Code of Practice on Noise from Ice Cream Van Chimes etc. 2013. Sound amplification will not be permitted unless in relation to matters specified in the Control of Pollution Act 1974 and in compliance with Codes of Practice. Further advice may be sought via the Council's Licensing Unit.

Enforcement Policy – Refusal or Revocation

The following grounds will be considered for refusing an application or revoking a Consent:-

1. It is in the best interest of the Council to do so.
2. That the applicant/consent holder has, without reasonable excuse, failed to avail themselves of a previous or current street trading consent.
3. That there is not enough space in the street for the applicant/consent holder to engage in the trading in which he desires to trade without causing undue interference or inconvenience to persons using the street. This is a relevant consideration even if the circumstances have arisen since the granting of a consent.
4. That the applicant/consent holder has failed to comply with the conditions of the consent or any statutory requirement relevant to street trading (e.g. hygiene or safety requirements).
5. That the applicant/consent holder is unsuitable to hold a Consent by reason of having been convicted of a relevant offence.
6. That the consent holder's vehicle, van, trailer, stall or other device has been the focus for incidents involving public disorder or nuisance.