



Cannock Chase District Council

Street Trading Policy

Consultation Draft July 2024

Contents

Section		Page
	Contents	1
1	Introduction and scope of the policy	2
2	Consultation on submitted applications	3
3	Exchange of information and data protection	3
4	Equality and diversity	4
5	Definitions of terms used in these guidelines	4
6	Exclusions from the policy	5
7	Procedure for determining street trading consent applications	6
8	Submission of the application	6
9	Fee structure	8
10	Site assessment	9
11	Inspection of the street trading unit	9
12	Determination of the application	10
13	Approval of applications	12
14	Issue of street trading consents	13
15	Refusal of applications for street trading consent	13
16	Decision not to renew or to revoke a street trading consent.	14
17	General information on street trading consents	14
18	Enforcement principles	16
19	Complaints against the service	16
	Notes for applicants	17
Annex 1	Procedure for determining street trading consent applications	18
Annex 2	Fair Processing Notice	19

AMENDMENT RECORD

Amendment No.	Date of Amendment	Revision made
1	October 2021	Minor changes in order to ensure that the policy remains relevant and up to date.
2	2024 Consultation July 2024	Revision of the Policy in order that it reflect good practice, ensures compliance with legislation and remains relevant and up to date.

1. Introduction and scope of the policy

- 1.1 This Policy will be applied to all street trading activities within the Cannock Chase District Council area. This includes town centre traders and those who trade on industrial estates and business parks as well as ice cream vans and those traders who travel the district selling goods (including ice cream, sandwiches and coffee etc.).
- 1.2 The Policy 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.
- 1.3 Each street trading application will be considered on its own merits so that individual circumstances may be considered and exception may be made where appropriate.
- 1.4 The Policy is intended to be read in conjunction with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.5 With the exceptions outlined in Section 6 of this policy, the whole of the Cannock Chase District Council area and every street within it is designated as a Consent Street. The scope of the Policy includes private land to which the public have access without payment. It is intended that no street trading may take place within the Cannock Chase area without obtaining the appropriate Street Trading Consent. The Council does not issue Street Trading Licences.
- 1.6 Street traders selling foodstuffs (including burgers, breakfasts, sandwiches, ice cream and coffee etc.) must hold a food hygiene rating of at least 5 for their business before any street trading consent can be issued.
- 1.7 There are several exemptions to this street trading policy as well as some activities which are out of scope. Details can be found in Section 6 of this Policy.
- 1.8 Those who street trade within the Cannock Chase District without appropriate Consent will be dealt with having regard to the Environmental Health Service Enforcement Policy which is available at: <http://www.cannockchasedc.gov.uk/residents/environmental-health/environmental-health-enforcement-policy>
- 1.9 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.
- 1.10 Utility providers and those who are simply promoting goods, services or events where no sales of goods takes place, will not require street trading permission from the Council.

2. Consultation on submitted applications

2.1 Before a Street Trading application or renewal application can be granted, 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

2.2 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

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

3.2 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. The Council's Fair Processing Notices can be found at Annex 2 of this Policy and here: <https://www.cannockchasedc.gov.uk/council/about-us/data-protection/data-protection-privacy-notices>

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

- 3.4 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.
- 3.5 The Council holds and uses data in accordance with the General Data Protection Regulations 1998. Stakeholders should be aware that information provided to the Council 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

- 4.1 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
- 4.2 A link to the Council's Equalities and Diversities Policy can be found here:
<https://www.cannockchasedc.gov.uk/council/about-us/equality-diversity-and-inclusion>

5. Definitions of terms used in these guidelines

- 5.1 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: (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:	Means district, town and parish councils as well trade associations and organisers of established events held on Council owned parks and land.

6. Exclusions from the policy

- 6.1 This Policy does not apply to those trading with the benefit of a Pedlars Certificate granted under the Pedlars Act 1871 & 1881; nor does it apply to roundsmen or mobile canteens which are dedicated to a work site to which the public have no access.
- 6.2 This policy is not intended for those who are simply promoting services or events within the Cannock Chase area. Further, it will not apply to specific areas of private land known as the Cannock Shopping Centre in Market Hall Street, Cannock and the McArthur Glen West Midlands Designer Outlet in Cannock. The Policy will not apply to land and parks owned by Cannock Chase Council.
- 6.3 Street trading consents issued to ice cream vans and similar traders will allow operators to trade throughout the Cannock Chase District. This will include any private land where consent holders are invited to trade at organised events etc. The Consent will not however, permit operators to trade within Council owned land or parks.
- 6.4 Council owned parks and open spaces may be subject to a separate franchise agreement with the Parks and Open Spaces Department. Any persistent non-compliance with this policy requirement may result in the revocation or non-renewal of a street trading consent.
- 6.5 Street markets will always require street trading consent from the Council's Licensing Unit. This will include any street market which is part of a larger fete, festival or carnival etc which are managed by a recognised or non-recognised organisations.
- 6.6 Where there is no street market at events controlled by recognised organisations, individual food traders will not normally require street trading consent.
- 6.7 Registered food traders e.g. fast food catering units such as ice cream vans etc trading as individuals at any event organised by a non-recognised organisation, (see Paragraph 5.1) will require street trading consent.

- 6.8 Event organisers must notify the Licensing Unit 3 months in advance of any proposed event so as to ensure referral to the Council Safety Advisory Group (SAG) where appropriate.
- 6.9 Those traders who possess a street trading consent from the Council which already permits them to trade elsewhere within the Cannock Chase district, are also entitled to trade at any organised event such as fetes, festivals and carnivals etc without then need to pay an additional fee.
- 6.10 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 be obtained before the event takes place. Both can be contacted on 01543 462621.
- 6.11 Individual traders who wish to trade upon Council owned parks or land will also need to seek similar permission from either the Council's Parks and Open Spaces Department or the Council's Property Services Departments.
- 6.12 Organisers must ensure that their events are notified to the Staffordshire Police Force Events and Operations. They are contactable at: events@staffordshire.police.uk

7. Procedure for determining street trading consent applications

- 7.1 The application approval procedure stages are set out at Annex 1 of this Policy.
- 7.2 Applicants who are considering street trading for the longer term, may wish to consider becoming a market trader at one of the Council's markets. More information can be obtained from the Council's Property Services Department.
PropertyServices@cannockchasedc.gov.uk

8. Submission of the application

- 8.1 An application for a Street Trading Consent must be made in writing to the Council. The Application form is available online at:
<http://www.cannockchasedc.gov.uk/business/licensing-permits/application-forms/licensing>
- 8.2 When making application for street trading consent, the following documents and information 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 Policy.) 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 the Disclosure and Barring Service (DBS). 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 DBS within a reasonable period of the initial application (3 to 6 months) 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 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.

8.3 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.

8.4 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 Street Trading Consent.

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

8.6 Short term consents will be encouraged by the Council, particularly where new applicants intend to trade in non-established goods or within an area which is new to them.

- 8.7 Support for new businesses or for business growth may be available from the Council's Planning and Economic Development Department at: EconDev@cannockchasedc.gov.uk
- 8.8 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 proper consultation to take place and a new Consent to be issued. The Street trading fee structure reflects the possibility of consents being granted for a trial period.
- 8.9 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

- 9.1 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 roads, side roads 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.

- 9.2 All street trading fees are reviewed on an annual basis and are published on the Council's website under "Fees and Charges".
- 9.3 Registered charities and non-profit making organisations who wish to street trade, may be exempt from paying a fee. A written request for a fee exemption must be provided to the Licensing Unit on the Charity's letter headed paper which must be signed by a responsible person such as a Director or Trustee of the Charity.

10. Site assessment

- 10.1 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

- 11.1 The vehicle, van, trailer, stall or other unit 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.
- 11.2 The vehicle, van, trailer, stall or other unit 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 their food hygiene rating sticker upon the consented mobile unit.
- 11.3 Any vehicle, van, trailer, stall or other unit 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

12.1 Council officers, using delegated powers, 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.

12.2 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.

- 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.
- 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.
- 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 or other unit used for street trading is not substantially enclosed, the Council strongly discourages smoking within them. This will help avoid unnecessary complaints.

- 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, where 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 consent holders trade in the position allocated to them.

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. On occasions, this may be with immediate effect. 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 or unit, for example, where a children's fairground ride is 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 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 such as turning on the Christmas lights are taking place within the town centres.

Where appropriate, the Licensing Unit will consider applications by individuals for street trading during the evening time. Any proposed street trading must be within a town centre and be connected to an open licensed premises outside of which the street trading must take place. This necessary connection to a licensed premises is intended to help prevent public nuisance and ensure the safety and security of the trader as well as the patrons and the public.

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 Tuesday and Friday and no individual street traders are permitted to trade in Cannock town centre on those days except for a very small number of already established food traders.

Any trader who wishes to enquire about trading in Cannock on a Tuesday or Friday should contact the market provider Bescot Promotions Ltd, either by telephone on 07875 655875 or by email at info@bescotpromotions.co.uk

Rugeley: A street market visits Rugeley town centre every Thursday and one Saturday of every month. No individual street traders are permitted to trade in Rugeley town centre on those days.

Should other independent 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

- 13.1 Council officers, using their delegated powers may approve or refuse applications using the criteria contained within these guidelines.
- 13.2 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 as well as the goods that may be sold.

- 13.3 Care must 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.**
- 13.4 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.
- 13.5 Standard conditions are attached to all street trading consents however, additional conditions may be attached where it is appropriate to do so.
- 13.6 The conditions attached to the Consent or printed upon the back of it, form part of the Council approval. 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.
- 13.7 Consent holders are encouraged to take time to familiarise themselves with the conditions attached to their Street Trading Consent.

14. Issue of street trading consents

- 14.1 Street trading consents for any particular pitches in town centres and industrial estates/business parks 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.
- 14.2 A Street Trading Consent will normally 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.
- 14.3 Where the 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 applicant may be required to go through the full consultation process outlined in this Policy.
- 14.4 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.
- 14.5 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

- 15.1 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.

- 15.2 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 a Street Trading Consent. Any decision to refuse an application will involve consideration of what is in the best interests of the Council. Council officers will use this policy as well as the criteria given in Section 12 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.

- 16.1 Complaints which relate to nuisance, obstruction or non-compliance with legislation or Council policy will be taken into account when considering renewal or revocation of a street trading consent.
- 16.2 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.
- 16.3 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.

17. General information on street trading consents

- 17.1 **Reimbursement of Fee:** Fees will not normally be reimbursed to consent holders because they are unable to trade on a given day. Fees may be reimbursed where traders cease to trade and surrender their Consent to the Council. Any reimbursement will be from the date the Consent is surrendered to the Council. A small administration fee may 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.
- 17.2 **Alcohol:** The sale of alcohol will not normally be permitted by Street Trading Consent. Occasional permission may be sought however, under the authority of a Temporary Event Notice (TEN) in respect of the sale or supply of alcohol as part of community events. The TEN should be served by the individual street trader or stall holder rather than the market organiser and forms are available from the Gov.uk website.
- 17.3 **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.
- 17.4 **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.

- 17.5 **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.
- 17.6 **Variation of conditions:** The Council may at any time vary the conditions of a Street Trading Consent if it is considered necessary.
- 17.7 **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.
- 17.8 **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.
- 17.9 **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.
- 17.10 **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.
- 17.11 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.
- 17.12 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.
- 17.13 **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.

- 17.14 **Planning:** All applicants are encouraged to seek advice from the Planning Department on the proposed location of their Pitch. Street trading consent does not override the need for planning permission. More information at: DevelopmentControl@cannockchasedc.gov.uk

18. Enforcement principles

- 18.1 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.

- 18.2 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 our aim will 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.

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

- 18.4 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, Box 28, Beecroft Road, Cannock, Staffordshire, WS11 1BG
Phone: 01543 462621 Email: licensingunit@cannockchasedc.gov.uk

19. Complaints against the service

- 19.1 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.

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 town centres. Special 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.

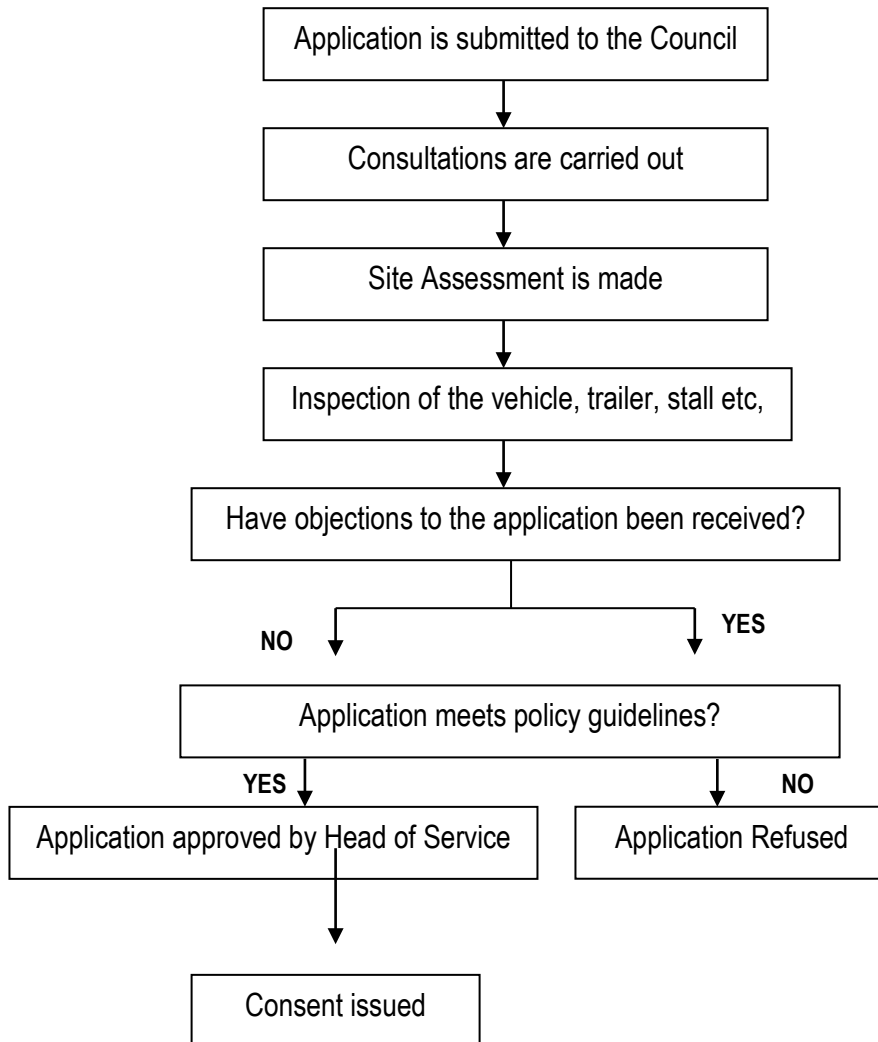
Enforcement Policy – Refusal or Revocation

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.

PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

The application and approval procedure comprises of the following stages:



FAIR PROCESSING NOTICE

HOW WE USE YOUR PERSONAL INFORMATION:

At Cannock Chase District Council we take your privacy seriously and will only keep and use your personal information for reasons that the law requires or allows. We are a data controller for the personal information we hold about you in relation to the processing and renewals of your Licences. In order to comply with data protection legislation, we want to be sure you understand how we use this information.

The purpose for which your data will be used is to establish your identity and other necessary information about you which will help us determine your fitness, propriety and suitability to hold a licence or other authorisation with this authority.

If you are a hackney carriage/private hire driver, we may also use your data to enable the maintenance of a national revocations and refusals register (NR3) to strengthen hackney carriage / private hire vehicle licensing for the benefit and safety of passengers and drivers. The introduction of this NR3 register will help other licensing authorities to make decisions on whether or not you are a fit and proper person to hold a licence with that authority. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority.

The recipients or categories of recipients of the personal data in the case of the NR3 National Register of Refusals or Revocations will be the National Anti-Fraud Network and Licensing Authorities

The following is a generic, non-exhaustive list of relevant legislation which may apply to your particular licensing application or renewal. The information we collect about you will permit us to process your application in compliance with the legislation.

- Licensing Act 2003
- Gambling Act 2005
- The Local Government (Miscellaneous Provisions) Act 1976 & 1982
- The Town Police Clauses Act 1847
- Animal Welfare Act 2006
- Dangerous Wild Animals Act 1976
- House to House Collections Act 1939
- Scrap Metal Dealers Act 2013

Cannock Chase District Council is required by law to protect the public funds it administers. We may share information provided to us with other agencies involved in licence processing or licensing enforcement where the law requires or permits us to do so.

We may share information about you for the purposes of auditing and administering public funds, preventing and detecting fraud and the prevention and detection of crime. Otherwise, we will only share your data if you ask us to. We only keep this data for the time specified in our retention schedule or as required by law. In the case of your personal data which is held on the NR3 data base the retention period will be 25 years

Data protection law provides you with certain rights, however not all of these rights will be available to you in all situations, particularly where we process your information as part of one of our statutory duties. Where we are under a legal duty to use data for a particular purpose you will not have the right to prevent it being used in that way.

A full list of the rights you may have, under data protection law, is given in the 'Your Rights' section of this webpage. For specific enquiries regarding personal data which we process you can contact the Data Protection Officer on email: infomanager@cannockchasedc.gov.uk or at Civic Centre, PO Box 28, Becroft Road, Cannock, Staffordshire, WS11 1BG.

If you wish to complain about how your personal information has been handled by Cannock Chase District Council then please contact the Data Protection Officer in the first instance using the details above. If you are not satisfied you can submit a formal complaint to the Council via our website. www.cannockchasedc.gov.uk

Finally you can complain to the Information Commissioner's Office at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF, Tel: 0303 123 1113 or you can visit their website at www.ico.org.uk

You can also find details of how we handle your personal information by visiting www.cannockchasedc.gov.uk/DataProtection