

Street trading licensing policy



CHELtenham
BOROUGH COUNCIL



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Introduction

- 1.1 This policy sets out Cheltenham Borough Council's ('the Council') framework and approach for the management of street trading in the borough.
- 1.2 Through this policy, the authority aims to control:
 - The location of the street traders; and
 - The number of street traders.
- 1.3 The policy also aims to:
 - Prevent unnecessary obstruction of the highway by street trading activities;
 - Sustain established shopkeepers in the town;
 - Maintain the quality of the townscape and add value to the town; and
 - Encourage inward investment.
- 1.4 In doing so, the authority recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause public or statutory nuisance to the people in the area.
- 1.5 This policy will guide the authority when it considers applications for street trading consents. It will inform applicants of the criteria against which applications will be considered.
- 1.6 It is the intention that this policy will be reviewed every 3 years.

Legislation

- 2.1 The powers to control street trading within the Council's area are contained in Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 ('the Act') which has been adopted by the Council.
- 2.2 The Act defines street trading as the selling or exposing or offering for sale of any article (including a living thing) in a street.
- 2.3 For the purposes of the legislation, a street is any road, footway, beach or other area to which the public have access without payment.
- 2.4 As a result of the wide statutory definition of street, consent can be required even when trading on private land. This was confirmed in *West Berkshire District Council v Paine* (2009).
- 2.5 Under The Act, a local authority may designate any street in their district as:
 - A prohibited street;
 - A licence street; or
 - A consent street.

- 2.6 The Council has resolved that the entire borough be designated as consent streets. A consent street is a street in which street trading is prohibited without the consent of the district council.
- 2.7 In designating the whole of the borough as consent streets, the Council has consulted all relevant corporations under the Act.
- 2.8 The Act also makes certain activities exempt from the requirement to hold a street trading consent. The exempt activities are:
- a) Trading as a Pedlar under the authority of a Pedlar's Certificate granted under the Pedlars Act 1871.
 - b) Any trade in a market or fair held under a charter which has been granted or established by statute. This exemption does not apply to car boot sales and informal markets which have been set up.
 - c) Trading in a trunk road picnic area provided under the Highways Act 1980 (section 112). Motorway service areas fall within this exemption.
 - d) Trading as a news vendor (where the only articles sold or offered for sale are newspapers and periodicals).
 - e) Trading at premises used as a petrol filling station or from a street adjoining a shop premises as part of the business or shop. This exemption enables people operating petrol stations to offer a range of goods on their forecourt and for shop keepers to offer goods outside their shop premises (for example a display of fruit and vegetables outside a greengrocers or plants / flowers outside a florists).
 - f) Offering or selling things as a Roundsman. For these purposes a "Roundsman" is a person who follows the round of his customers to take orders and deliver the pre-ordered goods of his customers. Case law has established that mobile ice cream sales are not exempt from street trading controls.
 - g) The use for trading under the Highways Act 1980 (Part VIIA Section 115B) of an object or structure (such as a booth or kiosk) placed on, in or over a highway.
 - h) The operation of facilities for recreation or refreshment provided under of the Highways Act 1980 (Part VIIA Section 115C).
 - i) Street collections for charitable purposes authorised by a street collection permit (issued under regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916).

Street trading objectives

- 3.1 To support the Council in discharging its duties under the Act, and to provide a clear and consistent approach for applicants, consent holders, and other interested parties, this policy identifies five objectives the Council will seek to uphold when dealing with street trading:

- a) **Needs of the area** – whether the retail offer of each pitch, including the goods and unit, complement, and do not conflict, with the goods sold by other established retailers within the vicinity. The Council may undertake a qualitative assessment of the goods to be sold by each applicant or consent holder against those on sale in the adjacent area. This will apply equally on both new and renewal applications as the Council recognises that the surrounding retail environment is subject to change.
- b) **Public nuisance** – whether the street trading activity represents, or is likely to represent, a risk of nuisance to the public, or properties in the vicinity, from noise, misbehaviour, emissions, smells, litter or similar.
- c) **Public safety** – whether the street trading activity or individual(s) involved represents, or is likely to represent, a substantial risk to the public, including from the point of view of obstruction, fire, hygiene, crime and disorder, or danger that may occur when a trader is accessing or using the site. The Council would expect a minimum of 2 metres of unobstructed highway / walkway on at least one side of the proposed trading unit / location.
- d) **Appearance of the unit or vehicle** – whether the trading unit enhances the visual appearance of the street and street scene rather than detract from it. The Council expects that units are constructed in a suitable scale, style, and design using appropriate materials. It should be fully accessible for all customers and advertising material, which must be professionally designed and printed, must be limited to the name of the stall; the type of product sold; and a simple price list. Units which fully or substantially block lines of sight to established retailers in the vicinity will generally not be permitted. And any street trading operation which negatively impacts public access by walking, cycling, or public transport will generally not be accepted.
- e) **Environmental credentials** – whether there will be a negative impact of the proposed operation on the local environment. This includes street surfaces; tree pits & materials; power supply; carbon footprint; supply chain; packaging; waste minimisation and recycling; and waste disposal and waste created by customers. The Council encourages the use of sustainable products, and expects applicants to submit environmental statements to accompany applications.

Application and licensing process for new applicants

- 4.1 New applicants are advised to contact the Council at their earliest opportunity, preferably before an application is made.
- 4.2 All applicants must be 17 years of age or above.
- 4.3 Applications can be made for:
 - A static consent for a trader who remains in one place during trading; or

- A mobile consent for a trader who wishes to move from place to place.
- 4.4 Street Trading Consents are issued for a period of 12 months from the date of grant.
- 4.5 A Street Trading Consent may be surrendered at any time. It shall then cease to be valid.
- 4.6 Seasonal trading consents may be considered for a 6-month period e.g. mobile ice cream vehicles.
- 4.7 A short-term Consent may be granted for a period of up to 7 days. The process is the same as for an annual/seasonal Consent.
- 4.8 Whether applying for a fixed pitch or roaming consent, all applications for the grant of a new street trading consent must include:
- A completed application form;
 - A photograph of the trading unit;
 - Documents to prove that the applicant has the right to work in the UK;
 - Public liability insurance with a minimum indemnity of £5 million;
 - A basic DBS certificate dated within one month of the application being made which is subscribed to the update service; and
 - The relevant application fee.
- 4.9 Applicants applying for a fixed pitch must also identify a suitable trading location and provide a scale plan alongside permission from the landowner if there is one.

Suitable location and scale plans

- 4.10 It is the responsibility of applicants to identify a suitable pitch. When doing so, they should have regard to the street trading objectives outlined within this policy.
- 4.11 The Council has not identified any 'pre-approved' licensing zones within this policy.
- 4.12 The Council discourages applications being made for the pedestrianised area of the High Street (between Winchcombe Street and Pittville Street) and the Promenade, unless these are being made for an extremely limited duration.
- 4.13 Where it is proposed that a unit is sited on a road, there must be no Traffic Regulation Orders (TROs) in place. Applications made for areas covered by a TRO must be refused under the Act.
- 4.14 Where an applicant identifies a suitable location, they shall submit to the Council a scale plan (1:100) showing:
- The proposed location of the unit;
 - The size of the unit;
 - The distance from the unit to the edge of the pavement / highway;
 - The distance from the unit to nearby buildings / premises and any external seating at the premises;

- The distance from the unit to nearby fixed structures, including (but not limited to) street furniture, tree pits, lampposts and signposts, and railings.
- 4.15 Scale plans must show a minimum of 2 metres of clearance between the unit and any nearby structures to allow for accessibility.

Other considerations

- 4.16 When considering making an application for a street trading consent, new applicants should contact Cheltenham Borough Council's Planning team to ascertain whether planning permission may also be required.
- 4.17 If an application is being made for private land which falls within the scope of the Act, applicants should consider attaining the consent of the landowner. This is the responsibility of the applicant alone to arrange and procure.
- 4.18 Consents will not be granted to more than one trader for the same location for the same hours/days.
- 4.19 Street traders that propose to serve hot or food drink at any time between 23:00pm at 05:00am will require a premises licence that authorises late night refreshment under the Licensing Act 2003.
- 4.20 If it is proposed that food or drink is sold under a street trading consent, it is a legal requirement that the applicant registers as a food business with their local authority. The applicant should be able to demonstrate that all food handlers are appropriately trained / experience. Food hygiene training certificates should be available for food handlers.
- 4.21 A valid gas safety certificate for all gas appliances should be available for inspection. Certificates must be issued by a Gas Safe registered engineer who holds the relevant competencies (commercial / catering and liquified petroleum gas (LPG)). As a minimum, catering gas appliances should be inspected and tested every 12 months.
- 4.22 The Council encourages applicants to engage with nearby businesses prior to, or at an early point, in the application process to address any issues or concerns that may arise informally.

Consultation

- 4.23 Upon receipt of a valid application, a 14-day consultation period will commence. The consultation period commences on the next working day following receipt of a complete application.
- 4.24 The consultation will seek the views of the following:
- Cheltenham Accessibility Forum;
 - Cheltenham BID;
 - Cheltenham Borough Council Environmental Protection;
 - Cheltenham Borough Council Food Safety;

- Cheltenham Borough Council Health and Safety;
- Cheltenham Borough Council Parks and Green Space Development;
- Cheltenham Trust;
- Gloucestershire Constabulary;
- Gloucestershire Fire and Rescue Service;
- Gloucestershire Highways;
- Gloucestershire Trading Standards;
- Marketing Cheltenham;
- Planning – Cheltenham Borough Council;
- Townscape;
- Relevant ward councillors; and
- Any other persons or bodies the Council deems relevant.

- 4.25 The Council will distribute details of the application to the consultees via email.
- 4.26 For the duration of the consultation period, the applicant must affix a prescribed public notice in the location they wish to trade. The public notice must remain in place until the application has been determined.
- 4.27 Failure to display the public notice will invalidate the application. So that the Council can be confident it is appropriately displayed, the applicant must provide a photograph of the public notice in situ by no later than 17:00 on the first day of the consultation.
- 4.28 The Council will accept relevant representations from its consultees or any interested party, unless they are deemed to be irrelevant, frivolous, or vexatious.

Determination

Applications with no representations

- 4.29 A consent will be automatically granted if the application meets the objectives and no valid representations are received.

Applications with representations

- 4.30 If the application does not meet the objectives, or there are valid representations, officers will contact the applicant to discuss additional conditions that could be attached or changes that could be made to the proposed location, goods, or trading hours to mitigate the concerns raised.
- 4.31 If these changes or additional conditions resolve the representation or alleviate concerns around the objectives, a consent will be issued.
- 4.32 If they do not resolve the representation or alleviate concerns around the objectives, the application will be referred to a Licensing Sub-Committee for determination.

Decisions

- 4.33 Where an application is referred to the Licensing Sub-Committee as a result of a valid representation being made or concerns existing around the objectives, it will determine each application on its own merits.
- 4.34 Applicants and the person / agency making the representation will be invited to attend, and Members of the Licensing Sub-Committee will consider the information submitted as part of the application and give due consideration to persons making a representation.
- 4.35 The Council will aim to hold the Committee within 28 days of the consultation ending.
- 4.36 The Licensing Sub-Committee may:
- Grant the application;
 - Grant the application, attaching such conditions to it as considered reasonably necessary; or
 - Refuse the application.
- 4.37 A consent may be refused in any circumstance where the Council think it would not be fit to grant a consent. This gives the Council wide discretion, but it will always inform the applicant of any reasons for refusing the application.
- 4.38 An applicant will be notified of the decision of the Sub-Committee within five working days of the decision.
- 4.39 Where the Council approve an application and attach additional conditions as considered reasonably necessary, the standard conditions will still apply.
- 4.40 There is no statutory right of appeal against refusal of an application for street trading consent, or against additional conditions attached to the consent.
- 4.41 A person aggrieved by a decision of the Council to grant, attach conditions to, or refuse a street trading consent may make an application to the High Court for Judicial Review of the decision. For further information on potential grounds for Judicial Review applicants should seek advice from an independent solicitor as soon as they receive notice of the decision.

Application and licensing process for renewals

- 5.1 Applications for renewal must be submitted no later than 4 weeks prior to the expiry date of the current consent.

- 5.2 Renewal applications made after this date will not be valid and a new application will have to be made. If the existing consent expires and the new application is yet to be determined, no trading may take place until the new consent is issued.
- 5.3 The application form for the renewal of the consent must be accompanied by:
- Street trading consent fee; and
 - Public liability insurance with a minimum indemnity of £5 million.
- 5.4 A check of the DBS update service for the basic certificate provided at initial application will also be made. If the update service subscription has ended, a new basic DBS certificate will be required.
- 5.5 Renewal applications will be automatically granted provided the following criteria have been met:
- No substantiated complaints have been received in the previous 12 months which relate to the street trading objectives;
 - No relevant enforcement action has been taken against the consent holder or persons working for them; and
 - No additional information is shown on the DBS update service, or new certificate if applicable.
- 5.6 If the criteria are not met, the renewal will be subject to the same procedure as a new application.

Transfers

- 6.1 A street trading consent cannot be transferred or sold to another person.
- 6.2 Whilst the subletting of a street trading consent location or pitch will ordinarily be prohibited, the Council may permit sub-letting in the case of a consent granted to a Parish Council where it is satisfied that Parish Council has, or will put in place, satisfactory measures to ensure that any individual / organisation to whom they sublet will comply fully with the conditions subject to which the Parish Council's Consent was granted.

Conditions

- 7.1 The Council will apply standard conditions to all street trading consents. Appendix 1 contains the Council's approved standard conditions.
- 7.2 The Council will apply conditions to ice cream traders as shown in Appendix 2 in addition to the standard conditions.
- 7.3 The conditions attached to the consent can be varied. In the interests of fairness, notice of any proposed variation will be given to the consent holder in advance.

- 7.4 Additional conditions can be attached to a street trading consent following a Licensing Sub-Committee. These conditions will be in addition to the standard conditions referred to at 6.1.

Fees

- 8.1 Fees will be set for the grant and renewal of a street trading consent. The fees will be fixed by the Council and will be reviewed annually.
- 8.2 Fees may differ based upon the location and goods being sold.
- 8.3 Fees will be due for the type of consent granted and will not be calculated on the number of days traded. There will be no refunds for holidays or non-trading days when the trader is licensed to trade and chooses not to.
- 8.4 An application fee for new and renewal applications will always be payable, and additional consent fees will apply for the duration of the consent. These fees can be paid by monthly instalments.
- 8.5 Failure to pay an instalment within 14 days will result in the Consent being revoked.
- 8.6 Where a consent is surrendered during the term of a street trading consent, or the consent is revoked, no refund will be paid.
- 8.7 Details of the current fees can be found on the Council's website.

Enforcement and compliance

- 9.1 The Council is committed to enforcing the provisions contained within the legislation and to work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 9.2 The Council will always have regard to its Corporate Enforcement Policy and delegations outlined in the Constitution when considering taking enforcement action in line with this policy.
- 9.3 It is an offence to trade in a consent street without a street trading consent. Doing so carries a fine of up to £1000 on conviction by a Magistrates' Court.
- 9.4 The Council expects individuals who do not hold a street trading consent to refrain from street trading.
- 9.5 Where licensable activities are conducted without holding a street trading consent and the Council is made aware of such activities, the individual concerned will be asked to cease trading with immediate effect.
- 9.6 The Council has discretion to gather evidence and take enforcement action, including by means of prosecution, where an individual is identified trading without a street trading consent.

- 9.7 Where appropriate, the Council will provide an opportunity to apply for a street trading consent if it is not already held. During any application period, trading will not be permitted.
- 9.8 For individuals or organisations that hold a street trading consent, the Council will monitor activity to ensure compliance with the law and the conditions of a consent.
- 9.9 The Council will endeavour to carry out inspections during the course of a consent to ensure compliance.
- 9.10 The Council will also accept and investigate complaints made about consent holders.
- 9.11 Where issues are identified, whether by means of inspection, complaint, or non-compliance, the Act gives the Council discretion to revoke a street trading consent at any time if appropriate.

Community, charitable, and miscellaneous trading

Community and charitable events

- 10.1 Events organised by charities, or by individuals / organisations as part of a community event, will be required to seek street trading consent.
- 10.2 Charities with a registered charity number, or applicants who can produce a letter of authority from a registered charity showing the event is being organised on their behalf, will be offered a reduction of 50% from both the application and consent fees due.
- 10.3 This reduction will not be offered to organisations who are unable to evidence any link to a registered charity.

Trading along Evesham Road and Tommy Taylor's Lane during racing events

- 10.4 It is recognised that racing events supports the local economy and that there is a significant increase in temporary trading taking place along these roads.
- 10.5 The Council will permit daily consents to sell goods along here for **race days only**.
- 10.6 An application can be made using the race day Street Trading Consent application form on the Council's website. This must be accompanied by the fee, location map and a photograph of the responsible adult who must be contactable at all times when sales are taking place. The Council retains the right to alter the specified trading location to ensure that trading remains spaced out and not saturated in one area.
- 10.7 You must be over 17 years of age to apply.

- 10.8 The Council will limit the number of Consents along these roads to a maximum of 10 per road. These will be allocated on a first-come, first-served basis (except where trading takes place on a private driveway which will still require a consent but be permitted with a valid application and fee).
- 10.9 Applications must be made at least 7 days prior to the event.
- 10.10 The Council will consult with Gloucestershire Police. Any objections will result in refusal of the application.
- 10.11 Trading can only take place from a stall no larger than 1.5m x 1m.
- 10.12 The stall must not obstruct the main walkway.
- 10.13 If the trading negatively impacts on the licensing objectives, causes an obstruction or the trader sells goods not permitted, the consent may be revoked.
- 10.14 Consents will be issued subject to conditions attached in Appendix 3.
- 10.15 Trading that takes place in conjunction with a street collection permit for charitable purposes is exempt from this requirement. For example, scouts raising money by selling cakes.
- 10.16 Commercial traders will be required to apply for a 'normal' street trading consent and will be subject to the full consultation and application fees.

Car boot and garage sales

- 10.17 Organisers of car boot or garage sale events are exempt from the provisions of this policy.
- 10.18 Commercial traders at these types of events may be subject to licensing requirements and organisers are advised to contact the Council for advice.

Honesty boxes

- 10.19 Individuals who wish to site / erect an honesty box will be required to notify the authority in writing of the location but will otherwise be exempt from the provisions of this policy. Alcohol will require permission under the Licensing Act 2003.

Sites on private land

- 10.20 Applicants for sites on private land will be required to seek street trading consent where their unit is accessible to the public without payment.

Vehicles

- 10.21 A street trading consent is required where vehicles are placed on a street and advertised for sale. This includes any vehicle displaying signs that name an individual or business, or displays notices / signs intended to sell the vehicle.

Markets

10.22 Applications for markets in the Borough are covered by the Food Act 1984.

Applicants should refer to the Council's website for further information ***

Additional authorisation

10.23 Additional authorisations may be required if the scope of activities proposed by an applicant / licensee go beyond the provisions of street trading. This may include, but is not limited to, authorisation under:

- The Licensing Act 2003 for sales of alcohol or late night refreshment;
- The Highways Act 1980 for display of other furniture or objects, including seating and A-boards;
- The Environmental Protection Act 1990 for the distribution of free printed matter;
- The Police, Factories, & c. (Miscellaneous Provisions) Act 1916 for charitable collections; and
- The Gambling Act 2005 for gambling activities including lotteries or raffles.

Appendix 1

Standard Conditions

1. Definitions

- 1.1 “Consent” means this Street Trading Consent issued pursuant to Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 “Consent holder” means the person named in this Consent and for the purpose of enforcing these conditions includes any other person engaged by them to assist in trading (including any Nominated Assistant(s) named in this Consent).
- 1.3 “Council” or “the authority” means Cheltenham Borough Council.
- 1.4 “Site” means the site identified in this Consent.
- 1.5 “Unit” means the unit described in this Consent.

2. Obligations on the Consent holder

- 2.1 Not to use the Site for any purpose other than that of the operation of the Unit.
- 2.2 Not to trade or operate the Unit in such a way as to cause obstruction of the street or danger or annoyance to persons using the street.
- 2.3 To adequately manage the street trading activity so as not to cause a statutory or public nuisance (from noise, fumes and odour, for example).
- 2.4 To ensure that the Unit is securely erected, is of such material and design, and so constructed and maintained that it is not liable to cause injury to any person present on the Site or otherwise.
- 2.5 To pay to the Council the cost of making good any damage which may be caused to the Site in consequence of the Consent Holder’s operations thereon.
- 2.6 To keep the Site in a clean and tidy condition and to pay to the Council the cost of carrying out any works, including cleansing of the highway, that is required due to the Consent Holder’s use of the Site.
- 2.7 The Consent Holder will be responsible for cleansing of the Site and ensuring that all refuse arising as a result of the activities of the Consent Holder shall be placed in suitable covered containers provided by the Consent Holder, unless otherwise provided by the authority, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.
- 2.8 To observe all statutory and other provisions and regulations for the time being in force which relate to the Consent Holder’s use of the Site.

- 2.9 So far as is reasonable to ensure that patrons or customers of the Consent Holder conduct themselves in an orderly manner.
- 2.10 To ensure that the use and storage of liquefied petroleum gas complies with any relevant codes of practice.
- 2.11 The Consent Holder shall ensure that liquefied petroleum gas is not used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
- 2.12 The Consent Holder shall ensure that goods may not be of an inflammable, corrosive or otherwise dangerous nature.
- 2.13 The Consent Holder shall ensure that no mobile generators are used without the express permission of the Council. Where permission is granted generators shall be so positioned that they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon, or adjoining premises and do not cause any contamination, noise or fume nuisance.
- 2.14 The Consent Holder shall ensure that a competent person installs all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.
- 2.15 The Consent Holder shall ensure that no combustible materials are to be stored in the vicinity of a generator and suitable first aid fire fighting appliance(s) must be immediately available.
- 2.16 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
- 2.17 All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
- 2.18 All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
- 2.19 All electrical cables or flexes, which run along the ground and are in a position where the public could come into contact with them, they must be fitted with rubber cable protecting mats.
- 2.20 To ensure that the dimensions and appearance of the Unit at all times accord with the details agreed by the Council upon the issue of this Consent.
- 2.21 To maintain the Unit in a clean and tidy condition.
- 2.22 To indemnify the authority from all claims, damages and costs in respect of all spillages, accidents, damage and injuries arising during or in consequence of the use of the Site to any person or property caused by the Consent Holder's operations or caused by any act, neglect

or default of the Consent Holder, his servants or agents (whether with or without the knowledge of the Consent Holder) to take out and on request produce to the Council a policy of public and product liability insurance covering no less than £5,000,000.

- 2.23 At all times while trading to display in a conspicuous position on the Unit the street trading permit issued by the Council.
- 2.24 To forthwith inform the Council in writing of the details of any change in the operation or staffing of the Unit (including changes in details of Nominated Assistants) or the sale or transfer of the Consent Holder's business to another party.
- 2.25 The Consent Holder(s) shall notify the Council's Licensing Section within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the Consent.
- 2.26 The Council may revoke or suspend this Consent at any time in the event of:
- The breach by the Consent Holder, their servants or agents (included Nominated Assistants) of any of the conditions herein or any supplemental/additional conditions imposed by the authority; or
 - Work being carried out in, under or over the highway on which the Unit is located; or
 - A change in Council Policy which necessitates termination of this Consent; or
 - Circumstances outside the authority's control which necessitate termination of this Consent forthwith.
- 2.27 The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
- 2.28 The Consent Holder(s) shall not sell or permit the sale of any products containing or made up of real animal fur.

Appendix 2

Special Conditions for Ice Cream Traders

Trading prohibited in the following streets or parts of streets:

- a) High Street (from Sandford Park entrance to Townsend Street)
- b) Promenade (from High Street to Montpellier Walk)
- c) Clarence Street
- d) North Street
- e) Pittville Street
- f) Regent Street
- g) Rodney Road
- h) Winchcombe Street (from High Street to Warwick Place)
- i) Imperial Square
- j) Montpellier Walk
- k) Montpellier Street
- l) Warden Hill Road (within 100 meters of frontage to Bournside School), both sides of the road in any direction, during the period half an hour before school opening to 1 hour after closing during school terms).
- m) Loweswater Road (from the junction with Alma Road to the junction with Langdale Road during the above period and times).
- n) Evesham Road and roads adjacent to Pittville Park.

2. Trading prohibited within 75 metres of the gates of all schools, except Bournside School (see Special Condition l) on both sides of the road in any direction during the period half an hour before school opening to one hour after closing during school terms.

3. The consent holder shall not, without the prior permission of the authority, trade in any particular location for more than 30 minutes at any one time and shall not return to that particular location, or any position in the immediate vicinity thereof (which expression shall be as interpreted by the authority), within 2 hours of leaving it.

4. The consent holder shall comply with all traffic regulations, rules, orders and directions which apply to the public highways on which he trades.

5. The consent holder is required to comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or any modification or re-enactment thereof.

Appendix 3

Race Day Street Trading Consent conditions

1. Trading is only permitted from the site licensed to trade and the stall must stay in this location.
2. No other type of furniture is permitted.
3. Trading can only take place from a stall no larger than 1.5m x 1m.
4. The stall must not obstruct the main walkway.
5. If the trading negatively impacts on the licensing objectives, causes an obstruction or the trader sells goods not permitted, the consent may be revoked.
6. Any unauthorised items may be seized by a police officer.
7. A copy of the street trading consent must always be available for inspection when trading takes place.
8. The designated person must be contactable at all times and, if not present, must be able to attend if a police or council officer request them to do so.
9. Any person involved in the selling of goods must be courteous at all times.