

Local Government (Miscellaneous Provisions) Act 1982 Street Trading Consent Conditions

1. General

- a) Under the terms of the above legislation, the Council may, at any time vary the conditions of a street trading consent. The legislation further states that the street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- b) Upon grant of a street trading consent a street trader will be required to comply with the following terms and conditions which are attached to the consent. Any breach of the attached conditions may result in the revocation of the consent.

2. Consent Details

- a) Two types of consents will be issued:
 - i. one for display purposes that excludes the consent holder's address (display consent) and,
 - ii. one that includes the consent holder's address (official consent)
- b) The display consent must be displayed in a prominent position in the unit at all times.
- c) The consent shall be produced whenever required by a Police Officer or any Officer duly authorised by the Council.
- d) The consent holder shall within 14 days of a change of address, notify the Markets Service and return the official consent for amendment.
- e) If a consent holder does not trade/intend to trade for a period in excess of 14 consecutive days they must inform the Markets Service.
- f) The consent holder shall comply at all times with all legislation in respect of their trade, particular regard to Planning, Food Hygiene, Health and Safety and Control of Pollution matters including (where applicable) limitations on the use of chimes or other types of loud speaker. Such compliance shall be not only in respect of their unit but also the premises at which the same is kept.
- g) A notice to surrender the consent, of 28 days, must be given in writing to the Markets Service. An appropriate apportioned refund of the annual consent fee will be paid to the consent trader as soon as practicable after the surrender date. This condition does NOT relate to Mobile 'B' consents where no fee refund is available.

3. Trading Location

- a) The street trading consent allows trading from the allocated pitch unless otherwise stated; the pitch area is defined on any map that accompanies the issued consent.
- b) The unit, its parts and commodities for sale must be contained within the marked boundaries of the pitch, the boundaries being either physically marked and/or detailed on any map that accompanies any issued consent.

- c) Use of tables and chairs by street traders is prohibited unless permission is granted under the Highways Act 1980 s.115(e). (A separate application process applies for this permission.
- d) Please contact Licensing Services for further information).
- e) Bins shall be provided for the use of customers of food-based traders.
- f) Should a pitch become temporarily unsuitable for any reason, the Council will seek to relocate consent holders to an alternative street trading pitch. The Council will not be liable for any claims for loss of earnings etc. If agreement cannot be reached on relocation, then consideration needs to be given by the trader in terms of giving notice for the consent and by the Council in terms of revoking the consent.
- g) If the Council offer an alternative pitch then there will be no reimbursement of consent fees.

4. Trading Unit

- a) The unit must be of a size and design approved by the Markets Service.
- b) The unit must be maintained at an acceptable standard throughout the duration of the consent.
- c) Should the consent holder be advised by an Authorised Officer of the City Council, of any repairs or works required to the unit, these should be carried out at the timescale agreed.
- d) The consent holder shall ensure that a current price list of articles sold is prominently displayed on the unit at all times.
- e) Towing bars should be either removeable, retractable or suitably covered to avoid becoming an obstruction of the highway or a trip hazard.
- f) Prior approval must be attained from the Markets Service in relation to the use and type of generators.
- g) Generators will be permissible only when no other power source is available. Any trailing cables must be protected or so sited as to prevent a tripping hazard. Generators if permitted must be encased in an appropriate cover and secured to prevent movement of the unit. Generators should be positioned to minimise disturbance to residents or businesses from noise or fumes. Where generators are required, silenced generators or acoustically insulated generators must be sourced.
- h) All gas cylinders should be stored within a 30-minute fire resistant construction within the trading unit only accessible by an external opening.
- i) Waste water, grease, debris etc must not be disposed of by use of the public drains.
- j) Should any blockages take place and cleaning be required the consent holder will be liable for the cost incurred. If you have a discharge consent from the relevant 'water undertaker' e.g., Severn Trent, then a copy should be provided to the Markets Service.
- k) All rubbish etc within 20 metres of the allocated pitch generated from the consent holders' trade must be removed at the end of each day and disposed of via a registered waste carrier or facility.
- l) Vehicles will not be permitted adjacent to a street trading unit unless permission has been granted by the Markets General Manager.
- m) The consent holder shall ensure that at no time they will cause:
 - i. Obstruction of the street or shop entrances or danger to persons using the same. or,

- ii. Nuisance or annoyance to persons using the street, or traders, shopkeepers,
- n) or otherwise.
- o) The consent holder will be responsible for any damage caused to the electricity supply bollards where applicable and for payment of the standing charge and all electricity used.
- p) The consent holder will be responsible for any damage caused by trading activities to the pavement etc, including marks on the surface area, any work required to replace or clean the areas will be charged to the consent holder.
- q) The consent holder must carry public liability insurance of the current sum (as stated on the application form) required to indemnify the Council for a claim or number of claims from any incident throughout the period of the consent.
- r) All consent holders should carry out a health and safety check on the unit, access and egress arrangements and equipment on a regular basis. A copy of the documented check should be available for inspection at the unit during operational hours.
- s) Traders should undertake a risk assessment to include control measures identified to reduce the risk of the vehicle being used as a measure of attack, and measures to mitigate against violent persons. Consent holders are required to comply with any mitigation measures advised by an Authorised Officer of the City Council or the police.

5. Trading Hours

- a) The trader must restrict trading to the days and hours as outlined on the consent at the time of grant and/or renewal. Loading and unloading will be restricted to the hours of the appropriate Traffic Regulation Order in force at the time or by direction of West Midlands Police or other Authorised Council Officer.
- b) Any trading involving hot food or drinks between 23:00 hours and 05:00 hours will also require a separate application under the Licensing Act 2003.
- c) The consent holder shall ensure that, whilst trading, their current identity badge is worn at all times.

6. Trade Lines

- a) This consent applies to retail sales only and applies to person(s) and the unit and commodities to be sold, as entered on the street trading consent. Consent holders shall not offer for sale or display any articles or goods or anything whatsoever which is indecent or is likely to be offensive. The consent holder must immediately withdraw from sale any such articles or goods if required to do so by a Police Officer or any Officer duly authorised by the Council.
- b) Consent holders shall ensure that they make proper and legal checks to ensure that their goods are safe for use and consumption.
- c) Consent holders are permitted to apply for an addition or amendment to their trade line.
- d) The application must be made on the prescribed form.

7. Conduct

- a) The consent holder and any assistants should ensure that, whilst trading, their current identity badge is worn at all times.
- b) The consent holder and any assistants employed by them shall ensure the public are treated fairly and with courtesy.
- c) A consent holder must notify the Markets Service in writing within 14 days of being convicted of any criminal offence.
- d) The consent holder shall not permit any person under the age of 17 years to engage in street trading activities.
- e) The consent holder must comply with the Public Sector Equality Duty.

8. Fees

- a) The consent fees applicable to the consent shall be paid either in full at the time of consent issue or by instalments by prior arrangement with the Markets Manager. The method of payment required will be agreed by the Markets Service at the time of application.
- b) The trader must maintain this payment agreement and the fees must be paid in full by 31 December each year, in order for the Markets Service to invite renewal.
- c) Traders that do not keep up with repayments will be required to pay the fee at the time of application in future.

9. Additional Conditions for Food Traders

- a) Foodstuff traders are required to have their unit periodically inspected and approved by an Environmental Health Officer.
- b) All foodstuff traders will be expected to obtain a minimum 4-star rating following an inspection from Environmental Health.
- c) All foodstuff traders and any persons employed in the unit must have received appropriate food hygiene training or instruction.

10. Additional Criteria for Traders in Dudley Street, Queen Street and Bilston Street Relating to the Trading Unit Design

- a) The height of opening shutters needs to be a maximum of 2.3 metres.
- b) Wherever possible a clear glass aspect to the trailer is required with signage and advertisements kept to a minimum.
- c) Trailer to be located within 300mm of an electrical bollard.
- d) Shutters are not to overhang outside the designated pitch. Also, open shutters must remain within the pitch.
- e) Counter height min 900mm.
- f) Goods are not to be displayed directly on the paving min 900mm high counter required, enclosed on all sides with approved panels.

- g) All trading units must display the following information on the unit:
 - i. the trading name
 - ii. the product(s) on sale
 - iii. the price list for the product(s) on sale
 - iv. the consent to trade to be displayed in a prominent position within the interior of the unit
 - v. no additional advertisements should be placed on the exterior of the unit
- h) All consent holders must adhere to Traffic Regulation Orders restricting the movement of vehicles during operational hours and co-operate with the Markets Manager during the loading/unloading process each market morning and evening.
- i) All consent holders must comply with any reasonable request from the Markets Manager or Authorised Officer of the Council.

11. Additional Conditions Applicable to B (Mobile) Consents

- a) No trading is permitted in any area within a $\frac{3}{4}$ mile radius of any Wolverhampton City Council market.
- b) No trading is permitted within 50 metres of:
 - i. any entrance or exit to an educational establishment
 - ii. any retail shop or unit
 - iii. any religious premise or building
 - iv. or any licensed premises
 - v. any other street trader
- c) Not more than one consent holder is permitted to trade in a particular street at any given time.
- d) No trader may remain static for more than 60 minutes in one location.
- e) The trader must not return to the same location within two hours.
- f) This consent is not valid within the perimeter of any Council car park, recreation ground or open space.

12. Additional Conditions Applicable to Consent Holders on 'Private Land'

- a) Consent holders trading on private land must be able to provide permission from the land owner that they have consent to trade from the site on the request of an Authorised Officer of the Council.
- b) The Council may revoke this consent at any time.
- c) Breach of any one or more of the above conditions or otherwise relating to their trade may render the consent holder liable to revocation of this consent.
- d) Please note that any street trading consent issued as a result of this application is issued to the named applicant and no other person. When the applicant ceases to trade, they must inform the Council's Markets Service with immediate effect.

13. Additional Conditions for Traders Licensed for the Hot and Cold Food Commodity

- a) The consent holder will ensure that the food business operator complies with the requirements of Retained Regulation EC No. 852/2004 (food hygiene standards) and in particular Chapter III Requirements for movable and/or temporary premises.
- b) The consent holder must have a Food Hygiene Rating Scheme score of 4 or 5. The hygiene rating must be displayed prominently on the unit, trailer, or vehicle.
- c) All foodstuff traders and any persons employed in the unit must have received appropriate food hygiene training or instruction.

PLEASE NOTE: Failure to comply with these conditions may result in enforcement action, leading to the street trading consent being revoked or an application to renew being refused.

The Council reserve the right to amend these standard conditions at any time.

The Council may attach any further reasonable conditions to this consent which it appears appropriate to meet particular circumstances.

This consent and any associated documents must be surrendered to the Council if the consent holder wishes to cease trading.

Any person who engages in street trading in a designated consent street unless authorised by the Council under the provisions of Schedule 4, Local Government (Miscellaneous Provisions) Act 1982 commits an offence and is liable, on conviction, to a fine not exceeding £1000 per offence i.e., for each day of trading without consent.