



**South
Cambridgeshire
District Council**

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STREET TRADING POLICY

Effective 1 March 2022

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1. Definitions

The Council – South Cambridgeshire District Council

The Act - Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982

The Applicant - The trader who has applied for a Street Trading Consent or Host Premises Licence

The Policy - This refers to South Cambridgeshire District Council's Street Trading Policy

Consent holder - A person or Company to whom the consent to trade has been granted by the Council

Host Premises Consent – the consent issued to a Premises to enable trading to take place on an ad-hoc basis

2. The Policy

The Council's street trading policy purpose is to create a street trading environment which complements premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience, and safety of local environments, whilst supporting local businesses.

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. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'. The Council has designated all streets in the District as Consent Streets (with the exceptions detailed in Scope of the Policy). The designation came into effect on 1 March 2022.

This policy sets out the framework for the management and administration of street trading throughout the District of South Cambridgeshire and sets out the key considerations the Council will take into account when considering applications for a street trading consent or host premises consent.

3. Scope of this Policy

a. Within Scope

This policy relates to the issuing of consents to permit the selling, exposing, or offering for sale of any article (including a living thing) in a street; and the supplying of or the offering to supply any service in a street. A street includes any road, highway verge, footway, beach, or other area to which the public have access without payment.

b. Out of Scope

- The following activities are excluded from this Policy:
- Trading by a pedlar operating under a Pedlar's Certificate
- Trading at an established Charter or statutory market
- Trading at a fair, fete or *similar one-day community event* *
- Trading in a trunk road picnic area provided under the Highways Act 1980
- Trading on the A11 or A14
- Trading as a news vendor where only newspapers or periodicals are sold
- Trading at a petrol filling station or shop
- Trading at a premises used as a shop or in a street adjoining premises and as part of the business of the shop (such as a farm shop)
- Trading or provision of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 or the Business and Planning Act 2020 (pavement cafes)
- Trading as a Roundsman (i.e. delivering pre-ordered goods to customers such as milk delivery)
- Activities under a Street Collection or Sale Permit for charitable purposes
- Trading for charitable purposes, *where a vendor is operating not for private gain, where a payment is not required to access the land.*
- * "One off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature, then it would be caught by the policy and an application required. (A letter of intent/confirmation from the community organisers would normally satisfy this Council). It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event".

4. Types of Street Trading Consent

There are two categories of street trading consents, **Standard Consent** and **Host Premises**, which are split into two types.

a. Standard Consent

(i). Static Street Consent

Where the operator is at a fixed pitch for more than 2 hours in a 24-hour period.

(ii). Mobile Street Consent

Where the trader wishes to move from place to place. In order to meet the criteria for mobile consent, whilst a trader may have consent for multiple sites, they must not remain in one location for more than 2 hours at a time, and not return to the same site on the same day.

b. Host Premises

(i) Host Premises Consent

This is a consent issued to a premises to enable a single location to be used by different Host Premises Consent Holders on an ad-hoc basis. This applies to private landowners or occupiers such as public house car parks who wish to host traders to complement their primary business.

(ii). Host Premises Trader Consent

Where trading may take place at consented host premises **only** in the District.

Any individual wishing to trade in a consented Host Premises must obtain a Host Premises Trader Consent. Once issued, the consent will enable the trader to trade in any consented Host Premises within the South Cambridgeshire District.

5.Key Considerations when determining an application and suitability of sites

Public Safety

- **Safety:** Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur.
- **Highway:** the location and operating times will be such that the highway can be maintained in accordance with Cambridgeshire County Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.
- **Compliance:** Trading must be conducted only from a trading unit that complies with relevant legislation.
- **Food Safety:** Any trader wishing to sell food will need to be registered with the Environmental Health Service for the area in which they are based for food hygiene inspection. Food vendors should have an FSA food hygiene rating score of 3 or more. Evidence of the registration will be required at the application stage.
- **Health and Safety:** All relevant requirements must be met.

Public Nuisance

- **Public Order:** Whether the street trading activity represents or is likely to represent a substantial risk to public order.
- **The Avoidance of Public Nuisance:** Whether the street trading activity is likely to or does represent a substantial risk of nuisance to the public particularly in residential areas. Nuisance could for example include traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes.

6. Commodities

The Council may have regard to the number, nature and type of traders or business already trading within a consent area when determining an application. To ensure a diverse offering of services, there may be no duplication of principal food/commodity provision at any one time, in the same location (subject to grandfather rights).

7. Late night food trading

The sale of hot food or hot drink in any place, including mobile traders, between 23:00 and 05:00 on any day will require a Premises Licence for late night refreshment under the Licensing Act 2003.

8. Grounds for Representations, Refusal or Revocation

A representation against an application must relate to one of the following criteria; Public Safety, Public Nuisance or "General". The Council will normally grant a Street Trading Consent unless one or more of the criteria below are identified. In addition, where the criteria below have been met, this may result in the revocation of a Consent.

Public Safety

- **Road Safety:** A significant effect on road safety would arise either from the siting of the trading activity itself such as interference with sight lines for any road users or pedestrian crossings, or from customers visiting or leaving the site;
- **Accidents:** Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited;
- **Traffic Orders:** There is a conflict with Traffic Orders such as waiting restrictions;
- **Access:** The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes;
- **Obstruction:** The trading unit obstructs the safe passage of users of the footway or carriageway;
- **Food Safety:** the trader has failed to meet food safety standards.
- **Health and Safety:** the trader has breached or failed to meet any health and safety standards

Public Nuisance

- **Loss of amenity:** There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes;

General

- **Commodity duplication:** That within the proposed pitch location, there are already traders or businesses offering the same service or providing the same principal food/commodity during the hours the consent is applied for. This is to ensure a diverse offering of services. (subject to grandfather rights). Competition issues will not be a consideration; **Unit unsuitability:** The trading unit is not considered to be suitable in style or in keeping with the location(s) requested.
- **Fees:** In the case of a renewal application the previous year's fees have not been paid.
- **Complaints:** The consent holder has been the subject of a serious substantiated complaint or multiple substantiated complaints relating to public safety and/or public nuisance as detailed above.
- **Suitability of applicant:** This Licensing Authority will only issue a Street Trader Consent to an applicant it considers to be 'fit and proper' to hold a consent i.e. they have not disclosed any convictions that would bring into question their suitability to be issued a licence and has the right to work under UK immigration law,
- Where the applicant has disclosed convictions which would bring into question their suitability to be issued a street trading consent, then the application will be referred to a Licensing Panel for determination. All applications will be determined on their own merit.

9. Consultations

On receipt of an application for a street trader consent or host premises consent the Licensing Authority will consult and seek written observations from:

- Ward & Division Councillors
- Parish or Town Councils
- South Cambridge Council Environmental Health
- Cambridgeshire Constabulary
- Shared Planning Service
- Cambridgeshire County Council Highways

There will be a 14-day consultation period for street trader consent applications, and a 28-day consultation period for host premises applications

Representations must relate to relevant considerations detailed within the "Grounds for Representation, Revocation or Refusal" at section 8.

10. Application requirements

a. Static, Mobile, Host Premises Trader Consent

An applicant must be 17 years of age or above.

All applications for the grant of a new Street Trading Consent site must include:

- (a) Completed application form and associated paperwork.
- (b) Where the proposed trading is from a specified location, a location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the site boundary with a red line.
- (c) Where the application is to trade on private land (not host premises) written confirmation of authority to trade on the land.
- (d) Where the proposed trading is on a mobile basis, a list of the location(s) with a site plan (in the case of mobile ice cream traders, the names of the streets/parishes will suffice).
- (e) Colour photographs of the vehicle/stall showing any signage. If the vehicle/stall has not been constructed submit supplier drawings/brochure.
- (f) Valid insurance certificate for £5,000,000 public liability and public indemnity cover.

b. Host Premises Consent

An applicant must be 17 years of age or above and have the legal right to occupy the premises.

All applications for the grant of a new Street Trading Consent site must include:

- (a) Completed application and associated paperwork form.
- (b) A location plan showing the proposed location of the street trading site. This map should clearly identify the proposed location by marking the host premises site boundary/land in the ownership of the host premises with a red line.
- (c) Valid insurance certificate for £5,000,000 public liability and public indemnity cover for the host premises consent trading activity.

11. Grandfather Rights

Previously, street trading did not apply to the whole of the District, which resulted in some street traders operating in areas with the consent of the local Parish or Town Councils. To support those traders coming under the new regime, the Council has introduced grandfather rights for those traders who will now fall under the regime, and traded up to the period ending 1 March 2022

The trader will have the right to retain their pitch(es) position subject to basic safety principles being adhered to.

*For traders falling within the “grandfather rights” criteria, a grace period of **up to six months** (from commencement of the new Policy) will be permitted to allow a trader to submit their application for*

*a street trader consent. This will provide the time to address all requirements of the regime and obtain all necessary documents for the application. A full application for a street trader consent must be submitted by no later than **30 September 2022**. Provided the above requirements are met, the applicant would also benefit by way of a 50% fee reduction for the first application fee. After this period, no other special exemptions will apply.*

12. Determination of an Application

Where an application has not been subject to representation, the consent will be issued under delegated authority.

Where an applicant is not considered “fit and proper”, or where valid representations have been received against an application, the application will be referred to the Licensing Panel for determination. There is no formal right of appeal against refusal of an application following the Panel decision.

When determining an application for the grant renewal or revocation of a Street Trading Consent, the Panel may:

- (a) Grant consent to the applicant as applied for.
- (b) Grant consent to the applicant subject to modifications to the days, times or locations on which trading may take place; attach additional conditions to the consent.
- (c) Refuse to grant the Consent.

13. Duration of Consents

A street trading consent may be issued for a period not exceeding 12 months from the 1 April to 31 March. Any new consents will be issued pro-rota based on the number of months remaining until 31 March.

14. Transfer of Consent

A Consent may be transferred or sold, provided the:

- the transfer applicant submits an application with the required fee and associated paperwork documents.
- the applicant meets suitability standards and required health and safety requirements
- in the case of Consent Holders, there are no changes to the location, dates, time and/or commodities to be sold .
- the granting of the transfer would not meet the criteria contained within the grounds for representations and grounds for refusal.

15. Surrender of Consent

A Street Trading Consent may be surrendered at any time. It shall then cease to be valid.

16. Renewal/Continuation of Consent

An application for renewal must be submitted no later than 4 weeks prior to the expiry date of the current Consent. Renewal applications made after this date will not be valid and a new application will have to be made. No trading may take place until the new Consent is issued.

Provided the application has been correctly submitted with the required fee, and evidence of public liability and public indemnity insurance cover of not less than £5 million, then the consent will be automatically renewed provided that:

- the application is under exactly the same terms as existing i.e. location, times, and commodities.
- the consent conditions and key considerations have continued to have been met
- there have been no substantiated complaints about the existing street trader or host premises.
- no enforcement action has been taken against the consent holder or persons working for the applicant.

If the criteria above have not been met, then the renewal will be subject to the same consultation procedure **and fee structure** as per a new application.

17. Pitch closures

Where a street trading consent pitch has to be withdrawn for a temporary period for reasons beyond the direct control of South Cambridgeshire District Council, e.g. roadworks, road relaying etc. no fee in whole or part of shall be refundable.

18. Non-payment of Fees

Where a consent has expired due to non-payment, the pitch will become available to others to apply for immediately.

19. Revocation of a Consent

Where a consent holder has either;

- failed to meet, or breached, the conditions of the consent, or;
- failed to adhere to the key considerations when determining an application, or;
- met any of the grounds for representation, refusal, or revocation, or;
- been subject to a substantiated serious complaint, or multiple substantiated complaints relating to criteria within public safety and/or public nuisance above

The matter will be referred to the Licensing Panel, who may determine it necessary with regards to promote public safety and/or prevent nuisance or annoyance to affected parties;

- i) To add additional conditions to the consent.

- ii) To modify the days, times or locations on which trading may take place; attach additional conditions to the consent.
- iii) To revoke the consent.

20. Conditions and Enforcement

Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods, which may be sold, and the size of the pitch.

Failure to comply with conditions may lead to revocation or non-renewal of consent. Persons trading without a required consent may be subject to enforcement action in accordance with the South Cambridgeshire District Council Enforcement Policy.

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Appendix A

Standard conditions for Street Trading Consent

1. A Street Trading Consent is valid only for the period, commodities and location(s) specified on the Consent.
2. The Consent holder must pay the fee in full prior to trading, unless agreed by the Council.
3. The Consent holder must ensure that the stall/vehicle is positioned only in the allocated space in the location(s) for which the Street Trading Consent is issued.
4. The Council must approve any changes to or replacement of the stall or vehicle prior to use.
5. The Consent holder must not carry on their trade in such a way as to cause obstruction of any street or endanger persons using the street or cause any nuisance or annoyance
6. The Consent holder's vehicle/stall must be kept in a clean, safe, and well-maintained condition
7. Every street trading vehicle/ stall must be removed from the site at the end of the trading day unless agreed by the Council.
8. Holders of a Mobile Street Trading Consent must not trade in one place for more than 2 hours at a time, and not to return to the same site on the same day.
9. The Consent holder must ensure refuse originating from their trade is disposed of by a licensed waste carrier and must leave the site and its immediate vicinity clear of refuse at the completion of trading.
10. No water or waste material must be discharged on to the highway or any adjacent property.
11. When trading from a layby leave a maximum usable space permitting safe ingress and exit for vehicles.
12. No free-standing advertising, seating, tables, chairs, sunshades may be displayed without approval from the Council.
13. No device used in the reproduction or amplification of sound whilst trading must be audible beyond a distance of 5 metres from the trading unit.
14. The granting of this Consent does not imply the right to violate any order or prohibition or restriction made under the various Road Traffic Acts and Highway Acts.
15. A Street Trading Consent cannot be transferred or sold to another person.
16. The sub-letting of a Street Trading Consent location is prohibited unless agreed by the Council.
17. The Consent holder must be the principal operator and have day-to-day control of the stall/vehicle. The Consent holder may employ any other person to assist in operating the stall/vehicle.

18. The Consent holder must have and maintain a proper insurance policy against public liability and third-party risks. The minimum insurance cover must be £5,000,000 and must cover the operator's vehicle, or stall and any additional equipment under their control.

19. The Consent holder may terminate a Street Trading Consent by written notice to the Council.

20. Where gas cylinders are used a valid gas safety certificate is required to ensure the safety of all gas appliances.

21. Where the vehicle or stall has a 240-volt electrical system a valid electrical installation certificate is required.

22. In the case of hot food preparation, a serviceable fire blanket and suitable fire extinguisher/s must be provided at all times.

23. All staff involved in the preparation of food must hold a minimum accredited Level 2 food safety certificate.

24. The above general conditions, which apply to all Street Trading Consents, may be varied, having regard to a particular location. Additional conditions may be required and will be displayed and listed on the Street Trading Consent.

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