

DRAFT STREET TRADING POLICY PRINCIPLES

Scope of the Policy

All streets within the district (except the A11 and A14) shall be designated as consent streets for the purposes of street trading. With the exception of any area of land which is from time to time in the ownership and control of a Public Authority or a registered charity. For the purposes of this resolution above “ownership and control” means having a sufficient estate or legal interest in the area of land to enable the relevant Public Authority or registered charity to restrict and regulate the use of that area in the public interest and “Public Authority” means Cambridgeshire County Council or South Cambridgeshire District Council or any Parish or Town Council the whole or part of whose area falls within the boundary of the district of South Cambridgeshire.

Outside of the Policy

- peddling (selling door to door)
- trading in a market or fair;
- trading in a trunk road picnic area;
- trading as a news vendor;
- trading which— (i) is carried on at premises used as a petrol filling station; or (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- selling things etc as a roundsman (such as milk delivery);
- trading or provision of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 [pavement cafes];
- street collections under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916

Traders not currently subject to Council regime - Grandfather Rights
Recommended Option: The rights of existing traders operating with the approval of the parish council will have the right to retain their pitch position subject to basic safety principles being adhered to. (This applies to any traders operating up to the period ending 31 March 2022)
Applications for Street Trader Consents from areas not currently under street trading controls
Recommended Option: A grace period of up to 6 months will be permitted to allow a trader to submit their application, address all requirements and prepare paperwork, with a full application to be submitted for trading by no later than 1 October 2022. (50% of the full fee would apply).

Charities

Recommended Option: Where a vendor is operating not for private gain where a payment is not required to access the land. A street trader consent is not required

Ad-hoc trading sites (private land), such as pub car parks, retail space car parks

Recommended Option: Introduce “Host Premises Consent” –Any business wishing to permit a food van to trade from their private land in a way that is controlled by the 1982 Act must apply for a Host Premises Consent. (This approach has been proposed by the National Caterers Association, so this would help support local businesses.)

The introduction of licensing of host premises would initially be resource intensive, to obtain the landowner’s “buy-in”, however, this would overall provide a very flexible approach to licensing, where the holder of a pop-up trader consent licence would only need to apply for one licence, and have the ability to trade in any authorised host premises (like a passport to trade). This would reduce admin cost, increase efficiencies in dealing with these applications, and keep licence fees low.

Following a consultation period, this would allow the site to host any pop-up street food trader holding a street trading consent with the Council. Supporting local business, reduce bureaucracy, with a caveat that a licence may be revoked if for example, there is a need to avoid public nuisance i.e. where the street trading activity represents a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas

Trading on non-host premises locations high streets etc.

Recommended Option: To implement a sliding scale fee structure, which would take into account the duration, time and days of trading, with an additional smaller charge for any additional pitches.

This piece of work will be undertaken once the policy has been submitted for consultation and will introduce a range of options including an initial “registration” fee for traders, with a simpler renewal/annual continuation fee.

Commodities

Recommended Option: 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).

Key Considerations when considering an application.

Recommended Option 1: to include the following guidelines:

1. **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 when a trader is accessing the site.
2. **Public Order:** Whether the street trading activity represents or is likely to represent a substantial risk to public order.
3. **The Avoidance of Public Nuisance:** Whether the street trading activity is likely to or does represent a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.
4. **Highway:** The location and operating times will be such that the highway can be maintained in accordance with the 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.
5. **Compliance:** Trading must be conducted only from a trading unit that complies with relevant legislation.
6. Include food safety training, health and safety (i.e. electrical safety, storage of gas canisters, water etc).

Grounds for refusal of an application

Recommended Option 1: to include the following guidelines:

The Council will normally grant a Street Trading Consent unless, in its opinion:

- A significant 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 will be sited;
- There would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes;
- There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes but note that competition issues will not be a consideration;
- There is a conflict with Traffic Orders such as waiting restrictions;
- 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;
- The trading unit obstructs the safe passage of users of the footway or carriageway;
- The trading unit is not considered to be suitable in style or in keeping with the location requested.
- The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities;
- In the case of a renewal application the previous year's fees have not been settled, and/or the consent holder has been the subject of substantiated complaints.