

Lead Member for Environment and Community Safety Briefing

Dear Member,

You are invited to attend the meeting of the Lead Member for Environment and Community Safety Briefing to be held as follows for the transaction of the business indicated.

Miranda Carruthers-Watt
Proper Officer

DATE: Monday, 9 July 2018

TIME: 8.30 am

VENUE: Committee Room 2, Salford Civic Centre, Chorley Road, Swinton

In accordance with 'The Openness of Local Government Bodies Regulations 2014,' the press and public have the right to film, video, photograph or record this meeting.

AGENDA

- 1 **Apologies**
- 2 **Declarations of Interest**
- 3 **Items for Decision - Part 1 (Open to the Public)**
- 3a Street Trading Scheme - Amendments (Pages 1 - 20)
- 4 **Exclusion of the Public**
- 5 **Items for Decision - Part 2 (Closed to the Public)**
- No items*
- 6 **Any other business**

Contact Officer:
Mike Relph

Tel No: 0161 793 3013
E-Mail: mike.relph@salford.gov.uk

This page is intentionally left blank

Part 1	ITEM NO.
--------	----------

REPORT OF THE STRATEGIC DIRECTOR PLACE

TO LEAD MEMBER ENVIRONMENT AND COMMUNITY SAFETY

ON 9TH JULY 2018

TITLE: Street Trading – Changes to Current Street Trading Scheme

RECOMMENDATIONS: That the changes made following the formal consultation are agreed and the amendments to the street trading scheme adopted under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

EXECUTIVE SUMMARY:

The Environmental Health (EH) team has recently taken back the operation of the street trading consent scheme from the Licensing section of Regulatory Services. In order for businesses to trade on the streets in Salford they have to obtain a street trading consent from the Council before trading. Consents are issued on an annual basis but there is also the provision for one or two day consents for temporary events and festivals.

The Service has taken this opportunity to review the policy and making it current and more flexible, to deal with the varying ways traders are now looking to operate. The review proposed to introduce a licensing scheme to complement the existing consent scheme to provide greater control on specifically where traders can operate from but from the comments received this proposal has now been discounted. However the revised conditions will tighten up existing controls and provide a more consistent approach to street traders who operate from temporary events and markets.

BACKGROUND DOCUMENTS: Street Trading Conditions Revised 2018

KEY DECISION: NO

DETAILS:

1. Background

Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 enables a Local Authority to adopt controls to regulate street trading within its district. Once Schedule 4 to the Act has been adopted by a Local Authority, the Act states that the Local Authority may choose to designate any street within its area as a prohibited, licence or consent street.

In terms of definitions, broadly speaking a prohibited street means no street trading can take place, a licence street is more suitable to streets where the strict control of trading is needed i.e. town centres, industrial estates, parks and a consent street are applicable to more infrequent types of trading, such as ice cream vans.

Schedule 4 makes provisions for the granting of two types of permission for street trading, those being:

- a) a street trading licence; or
- b) a street trading consent

Both permissions can have detailed conditions attached to them.

2. Salford's Current Position for Street Trading

Salford City Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on the 15th February 1984 and made all streets within the city 'consent' streets. This meant that anyone who wishes to trade on a consent street (which includes a street, highway, or other area to which the public have access without payment) must hold a street trading consent.

The Council did not adopt the provision to designate some of the streets within the city as licence streets. If it had, it would allow only specific licensed street traders to operate in these areas and thus place restrictions on where street traders can operate and the numbers that can operate within a small area.

3. Proposed changes

There is a range of changes that the review of the street trading scheme is looking to implement:

- a) To replace the current street trading policy with a list of clearly defined conditions, similar to other licensable activities within the Service. This is assist consent holders adhere to the street trading requirements as well as assisting Officers in determining appropriate enforcement action;
- b) Update the street trading exemptions to include an exemption for individual traders operating at approved events or markets on council land and for the street trading consent to be paid by the event organiser;
- c) Update application documents in line with taxi licensing, to include DBS checks. This will prove to be beneficial following an ice cream van driver who had his consent refused due to criminal convictions for aggressive behaviour;
- d) To align the hours of trading to be in line with late night refreshment licence requirements;
- e) To tighten controls regarding trading near schools to align with healthy weight strategies;
- f) Remove the prohibited street designation from Dronfield Road, Manor Road, Caldby Road, Longmead Road, Trenant Road, Denstone Road, Fairfield Street, Carlton Road, Doveleys Road (from its junction with Manor Road until its junction with Fairfield Street).

- g) To issue a plate scheme, similar to taxi's, this will clearly identify those street traders who do not have permission to trade and enable enforcement action to be directed more effectively;
- h) Introduction of ID cards for traders so that individuals who have been issued with a street trading consent can easily be identified; and
- i) Review of the fee structure to better align with the work involved and be more flexible with how traders are now looking to operate.

The Lead Member has the delegated power under the Councils Constitution to exercise any licensing functions relating to Street Trading and it the proposal that the final revised conditions are agreed by the lead member, in order to implement any changes to the street trading scheme.

4. Consultation

Consultation took place between March and April 2018 and the proposed conditions have been reviewed and revised to take in to account the feedback received.

5. Recommendation

The recommendation is to implement the proposed changes, summarised in points a) to i) above, to update the current street trading scheme.

KEY COUNCIL POLICIES: Street Trading Policy (2012)
Salford City Council Supplementary Planning Document Hot food Takeaways
January 2014.
Licensing Act 2003 Policy Statement

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:N/A

ASSESSMENT OF RISK: Low

LEGAL IMPLICATIONS Supplied by: Barbara Gora

FINANCIAL IMPLICATIONS Supplied by: n/a

PROCUREMENT IMPLICATIONS Supplied by: n/a

HR IMPLICATIONS Supplied by: n/a

OTHER DIRECTORATES CONSULTED: n/a

CONTACT OFFICER: John Snow

TEL NO: 0161 925 1315

WARDS TO WHICH REPORT RELATES: All

STREET TRADING POLICY IN SALFORD

DEFINITIONS

“Appointed Nominee” means a duly Authorised Officer in the Place Directorate

“Authorised Officer” means an Officer authorised on behalf of the City Council

“City Council” means Salford City Council

“Consent” means a consent to trade on a street granted by the City Council

“Consent Holder” means the person or company to whom the consent to trade has been granted by the City Council

“Consent Street” means a street in which street trading is prohibited without the consent of the City Council

“Fit and Proper Person” is not defined in law but in determining whether someone is a fit and proper person the City Council will take into account an applicants Disclosure and Barring Service (DBS) check and any other relevant history.

“Managed Street Trading Area” a defined area of land on which multiple street trading activities are undertaken and which the consent holder manages the street trading activities on behalf of the City Council.

“Plate” means a plate issued by the City Council when an application for a street trading consent is granted

“Prohibited Street” means a street in which street trading is prohibited.

“Street” includes:

- (i) Any road, footway or other area to which the public have access without payment.
- (ii) A service area as defined in Section 329 of the Highways Act 1980.

“Street Trading” means the selling or offering or exposing for sale of any article (including a living thing) in any street.

“The Act” means the Local Government (Miscellaneous Provisions) Act 1982

“Trader Days” this is the total number of days that street trading activities are undertaken by multiple street traders across a number of days. For example, 3 traders trading over 3 days, equates to 9 trader days. Trader days are used to determine the appropriate fees in relation to events and managed street trading areas.

SECTION A - POLICY AND DECISION MAKING

1.0 INTRODUCTION

- 1.1. Salford City Council adopted Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 on the 1st April 1984, whereby all streets within the City Council boundary, which includes any area to which the public have access without payment, have all been determined as being either 'consent' or 'prohibited' streets. This street trading policy was implemented on the XXX of June 2018 following approval by the Lead Member for Environment and Community Safety.
- 1.2 This means that anyone who wishes to trade on the streets in Salford must do so with a valid street trading consent. Prohibited streets, where trading on the streets is not permitted are listed in Appendix 1.
- 1.3 There are a number of statutory exceptions from these controls. The following activities are therefore not regarded as street trading for the purposes of Salford's street trading conditions;
- a) Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
 - b) Anything done in a market or fair; (the exemption applicable to markets applies only to those chartered or statutory markets and where a market has been established under Part III of the Food Act 1984 or other statutory provision. For temporary markets, fairs or events operating on Council land, relevant fees will need to have been paid by the organiser of the market or fair before permission to trade is granted by Salford City Council)
 - c) Trading in a trunk road picnic area as defined in Section 112 of the Highways Act 1980;
 - d) Trading as a news vendor (newspapers and periodicals), trading which is carried on at premises used as petrol filling station or 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;
 - e) Selling things as a roundsman e.g. milkman; and
 - f) Trading in a location where members of the public can not freely gain access;
- 1.4 The Act provides that the Council may grant an application to a person aged 17 years or over for a street trading consent if they see fit.
- 1.5 The Act also provides that, on the grant of a consent the Council may attach conditions to that consent in order to ensure that trading is carried out in an appropriate manner.
- 1.6 The conditions detailed in Section C set out the normal requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the City Council will have regard to this document. However each application or enforcement action will be considered on its own merits.
- 1.7 If trading on private land (including car parks) within the City of Salford, the applicant will be required to produce written permission to trade, from the land owner, before the Council can consider the site suitable for trading. It is the applicant or holder's responsibility to determine if the land to be traded on is suitable and obtain the necessary permission. If trading in a park owned by the City Council, then the applicant or holder must obtain permission from the appropriate department for the parks.

- 1.8 The purpose of this policy is to outline how the City Council regulates street trading and considers applications for street trading consents.
- 1.9 In developing this policy, Salford City Council has consulted with the following organisations and interested parties:-
- a) Greater Manchester Police;
 - b) Greater Manchester Fire and Rescue Service;
 - c) Councillors;
 - d) Legal services;
 - e) Urban Vision who act as the Highways Authority for the City Council; and
 - f) Existing holders of street trading consents
- 1.10 The City Council will formally review this street trading policy periodically and where revisions are made, the City Council will publish a statement of such revisions on the Council's website.

2.0 DELEGATED AUTHORITY/APPROVAL OF APPLICATIONS

- 2.1 In accordance with the City Council's constitution, the Lead Member for Environment and Community Safety has authority to determine operational policy in relation to the delivery of services and the enforcement of legislation by Officers of the Directorate relating to licensing matters. The Director of Place, or his Appointed Nominee, has the authority to grant street trading consents which meet the criteria.
- 2.2 Where an application is approved, the City Council will issue a street trading consent to which conditions detailed in section C will be attached. Additional conditions may be attached if special circumstances apply to the consent being granted by the Council.
- 2.3 The conditions attached to the consent form part of the approval to carry out street trading in the City of Salford. These conditions must be complied with at all times and failure to do so may result in the consent being either revoked or not renewed.
- 2.4 A street trading consent will be issued for a maximum period of 12 months and will commence from the first day of the month the application is determined.
- 2.5 The consent will expire on the date identified on the plate provided to the applicant when the street trading consent is issued.

3.0 SITE ASSESSMENT

- 3.1 Schedule 4, Paragraph 7(5) of The Act allows conditions to be attached to street trading consents to prevent obstruction of the street or danger to persons using it, or to prevent nuisance or annoyance (whether to persons using the street or otherwise) In deciding whether to attach such conditions the City Council will take into consideration the following factors;
- 3.1.1 **Public Safety** - The location of the proposed street trading activity should not present a significant risk to the public in terms of road safety, obstruction and fire hazard. The term 'public' refers to customers of the street trading activity and other members of the public using the street.
- 3.1.2 **Public Order** - The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from Greater Manchester Police will be taken into consideration.

3.1.3 **Avoidance of Nuisance** - The street trading activity should not present a significant risk of nuisance from noise, smells, fumes, rubbish, litter or the harbourage of vermin to households or businesses in the vicinity of the proposed street trading site. Observations from Officers of the City Council will be taken into consideration.

3.1.4 **Needs of the Area** - The proficiency of other trading outlets will be taken into consideration in relation to;

- a) The presence of like outlets already existing in the immediate locality of the proposed street trading site;
- b) The general needs of a locality, should no comparable outlets exist. Applicants will have to demonstrate to the City Council the need for the proposed street trading activity; and
- c) They will not be permitted to operate within 100 metres of any other street trading outlet **unless with the express permission of the City Council.**

3.1.5 **Compliance with Legal Requirements** - The proposed street trading activity should be carried out in full compliance with relevant legislation.

4.0 APPLICANT'S GOOD CHARACTER & FITNESS TO HOLD A STREET TRADING CONSENT

4.1 In considering whether an applicant is a fit and proper person to hold a street trading consent the City Council will consider unspent convictions or conduct of such persons and will take into account the following:

- a) Whether the conviction/incident is relevant;
- b) The seriousness of the offence/incident;
- c) The length of time since the offence/ incident occurred;
- d) Whether there is a pattern of offending behaviour/similar conduct;
- e) Whether that person's circumstances have changed since the offence/incident occurred; and
- f) The circumstances surrounding the offence / incident and the explanation offered by that person

5.0 ENFORCEMENT

5.1 The City Council will actively enforce the provisions of street trading legislation within its area, **including routine checks and monitoring of the streets, within the city boundary, to ensure compliance with the street trading conditions.** All enforcement activities will be carried out in accordance with the Directorate's Enforcement and Prosecution Policy.

6.0 REFUSAL, SUSPENSION OR REVOCATION OF A CONSENT

6.1 If the holder fails to comply with any of the street trading **conditions detailed in** section C, it may be revoked and the holder may be liable to prosecution.

6.2 If the Director of the Place Directorate or his appointed nominee decides to refuse or revoke a street trading consent, the applicant will be notified within 10 working days of that decision giving reasons for the refusal **and any plate issued must be returned to the City Council.**

6.3 **In relation to mobile food vendors, if an Authorised Officer identifies conditions that result in a non-compliant food hygiene rating being issued i.e. 2 or lower, then the street trading consent will be suspended by the Appointed Nominee and the street trading activity will immediately be required to cease until a time that the issues have been addressed. An additional fee will be charged for the Authorised Officer to revisit, re-assess the hygiene rating and reissue the consent as detailed in Appendix 2.**

7.0 APPEAL TO THE LICENSING AND SAFETY REGULATORY PANEL

- 7.1 The City Council's Licensing and Safety Regulatory Panel has been established to hear objections and appeals in relation to licensing matters. The role of the Panel is to hear representations from applicants or holders where an application for a street trading consent has been refused or revoked.
- 7.2 If the applicant or holder is not satisfied with the decision, they may make representations in writing to the City Council's Licensing and Safety Regulatory Panel within 28 days of being notified of the decision to refuse or revoke.
- 7.3 In relation to street trading consent applications the Act does not provide for a right of appeal to the Magistrates Court.

8.0 COMPLAINTS PROCEDURE

- 8.1 The City Council has a corporate complaints procedure copies of which are available on the Council's website www.salford.gov.uk/your-council/have-your-say/complaints-comments-or-compliments/.

9.0 GENERAL INFORMATION

- 9.1 The City Council will not grant a street trading consent to a person under 17 Years of age.
- 9.2 Consent holders will allow Authorised Officers and Police Officers access to the vehicle, trailer, stall or other trading unit at all reasonable times.
- 9.3 The conditions attached to all street trading consents stipulate that a holder may not assign, sub-let, or part with interest or possession of a street trading consent.
- 9.4 The City Council may from time to time vary the street trading conditions.
- 9.5 Any person or their representatives operating under a street trading consent must abide by the street trading conditions.

SECTION B - PROCESS FOR SUBMISSION, CONSIDERATION AND ISSUE OF APPLICATIONS

1.0 PROCEDURE FOR DETERMINING STREET TRADING CONSENT APPLICATIONS

1.1 The application and approval procedures are set out in the flow diagram at Appendix 3.

2.0 SUBMISSION OF APPLICATIONS

2.1 An application for a street trading consent must be made to the City Council in writing using the appropriate application form. The following documents must be submitted with the completed application form:-

- a) Payment of the full fee as detailed in Appendix 2 for the periods of trading applied for;
- b) Where the proposed street trading activity is from a fixed position, a copy of a map of at least 1:1250 scale. The map should clearly identify the proposed site position by marking the site boundary with a red line;
- c) **Three** coloured photographs of the vehicle, stall, barrow, cart etc. that will be used for the street trading activity (at least one to include the vehicle registration, if applicable);
- d) A copy of a current certificate of insurance that covers the street trading activity for third party and public liability risks;
- e) Where appropriate, a current gas safety certificate **and/or electrical installation condition report**;
- f) **For applications trading directly from vehicles a copy of the current M.O.T. certificate and vehicle log book (V5C) for the vehicle**;
- g) **For food businesses registered outside of Salford a copy of the last food hygiene inspection report, details of the Local Authority they are registered with and confirmation of the hygiene rating issued**;
- h) **Current Disclosure and Barring Service (DBS) check for the applicant**; and
- i) **Digital photograph of the applicant.**

2.2 **Failure to submit all of the above documentation will prevent the application being processed.**

2.3 The vehicle, stall, trailer or other trading unit to be used for the proposed street trading activity will be inspected by an Authorised Officer of the City Council prior to the issue of any street trading consent to ensure compliance with relevant legislation.

2.4 The holder must present his vehicle, stall, trailer or other trading unit used for street trading for inspection by an Authorised Officer at a time and place designated by that Officer.

2.5 **Failure to apply for or renew a street trading consent 14 days before the expiry date of the consent will result in the applicant having to submit a new street trading application and as a result will incur the fee of a new application**

2.6 **The City Council takes no responsibility for reminding existing holders of the expiry date of the consent. It is the responsibility of the holder to re-apply to renew the consent before the expiry date. It is an offence to trade without a valid street trading consent or after its expiry date**

3.0 ISSUE OF STREET TRADING CONSENTS

3.1 **Temporary street trading** consents can only be granted in respect of particular types of operations in conjunction with specific events taking place in the city. **The application should be made by the event organiser, but if this is not possible, by the individual applicant. The fee for temporary street trading consents will be determined in accordance with the table in Appendix 2.**

- 3.2 Where a street trading consent has been approved by the City Council. The applicant will be issued with a unique plate that should be affixed to the **rear** of the vehicle or trailer. In the case of stalls, marquees or other trading units, it should be clearly displayed so that it is available for inspection by an Authorised Officer or a Police Officer. Displaying the plate, shows that the street trading conditions have been met and the holder is authorised to street trade. If the plate gets damaged or lost within the consent period then a new plate can be obtained from the City Council but a charge will be incurred by the consent holder.
- 3.3 In all cases when the consent has expired and an application for renewal has not been submitted to the City Council, a new application will have to be made. In such cases the application will be required to go through the full application process outlined above .
- 3.4 When the consent has been issued the City Council will issue the applicant with an ID card to show that they have met the fit and proper person criteria. It is the applicants responsibility to ensure that any persons employed to work under the consent is a fit and proper person. The ID card should be worn by the applicant and be available for inspection by an Authorised Officer or a Police Officer.
- 3.5 The ID card will require renewal every 3 years in line with DBS checks.
- 3.6 If a consent is surrendered, the plate must be returned to the City Council. No refund will be granted for those surrendered part way through the year.

4.0 MANAGING STREET TRADING CONSENTS

- 4.1 If a person manages an area of land and wishes to have multiple street trading vendors operating from their site throughout the year they can apply to manage the street trading consent activities on behalf of the City Council.
- 4.2 The operator of the land needs to discuss the street trading requirements with the City Council and an appropriate fee for managing the street trading activities on the land will be determined, based on the total number of trader days, details of which can be found in Appendix 2.
- 4.3 Once the application and fee have been submitted a street trading consent will be issued for the area, as detailed on the application form.
- 4.4 The holder of the managed street trading consent will ensure that the City Council are notified of street traders due to be on site, **28 days in advance** of them trading and submit the following documentation (where appropriate) for each trader;
- a) Gas safety certificate;
 - b) Electrical installation condition report;
 - c) For food traders registered outside of Salford a copy of the last food hygiene inspection report;
 - d) Details of the Local Authority food traders are registered with;
 - e) For food businesses, confirmation of the food hygiene rating, ensuring that a trader has a rating of 3 or higher;
 - f) Current DBS checks for the traders on site; and
 - g) Details of wash hand basin facilities of each vehicle, stall, trailer or other trading unit on site.

5.0 FEES, CHARGES AND REFUNDS

5.1 Full details of street trading fees, charges and refunds are detailed in Appendix 2.

5.2 If the consent holder decides to rescind the consent part way through the issue period, there will be no refund to the holder. The City Council may permit a new trader to utilise the remainder of the consent period in the vehicle, stall, trailer or other trading unit to which that consent relates. An administration fee will be incurred by the new holder, and the application documentation will need to be submitted and processed as a new application.

5.3 No refunds will be issued to **managed street trading consents or areas**. A managed street trading consent may be rescinded part way through the consent period if another applicant will take over the management of the street trading activities on the site. An administration charge will be incurred by the new applicant for this.

6.0 CONSULTATION ON APPLICATIONS MADE

6.1 Before a street trading consent is granted, the City Council **may** carry out a process of consultation with various persons and groups. In particular, the following organisations and groups **may** be consulted:-

- a) Greater Manchester Police;
- b) Greater Manchester Fire and Rescue Services;
- c) Urban Vision who act as the City Council's Highway Authority;
- d) Councillors;
- e) Responsible Authorities; and
- f) **Residents and businesses in the vicinity of the proposed street trading location.**

6.2 Written observations from the above organisations and interested parties **may** be sought and taken into consideration when determining an application.

7.0 OBJECTIONS **TO APPLICATIONS**

7.1 **Objections or complaints received to the City Council regarding a street trading consent will be duly considered by The Director of Place or his Appointed Nominee and if upheld may result in the revocation or refusal of the consent**

SECTION C - STREET TRADING CONDITIONS

1.0 GENERAL REQUIREMENTS

- 1.1 Permitted Trading Hours - The City Council will generally only permit street trading between 5am and 11pm. Any trading outside these hours will require a late night refreshment licence, approved by the Council. Street trading outside the guideline hours will be assessed in terms of the criteria detailed above. The City Council retains the right to specify permitted hours of trading that are less than those specified above if local circumstances dictate.
- 1.2 Licensable Activities – for other licensable activities, permission must be obtained from the appropriate licensing authority, before the street trading consent is issued.
- 1.3 Trading within Parks – if a street trader wishes to trade within a City Council owned park, then the necessary permission needs to be obtained from the City Council Ranger's Team.
- 1.4 Footways - Consent holders **are not permitted** to park any vehicle, trailer or catering unit on any part of the adopted footway contrary to section 137 of the Highways Act 1980.
- 1.5 Site locations – Consent holders **are not permitted** to site any vehicle, stall, trailer or other trading unit on any of the City Council's main arterial routes throughout the city, unless express permission has been obtained from the City Council. A list of these routes can be provided on request by contacting the City Council's Highways Department.

2.0 TRADING REQUIREMENTS

- 2.1 For a street trading consent, the consent holder is permitted to trade in an **agreed location as outlined in the consent application.**
- 2.2 If multiple vehicles are to be used, then **each** vehicle must have the appropriate consent.
- 2.3 The holder shall only trade from the size and type of vehicle, stall, trailer or other unit specified in the consent. A holder may only use an alternative vehicle or trailer in an emergency situation, having notified the City Council of this matter in advance and then authorised to do so. If a vehicle, stall, trailer or other device specified in the consent is to be permanently replaced part way through the consent period, the holder must notify the City Council beforehand to enable an inspection to be undertaken to assess the suitability of the unit **and determine whether any additional fees need to be paid.**
- 2.4 **In term time,** street trading within 100m of the curtilage of a school or college, during lunch and for 15 minutes after the school finish time, is prohibited. Trading within the curtilage of a school is only permitted with the express permission of that school.
- 2.5 **Street trading is not permitted to operate within 100 metres of any other street trading outlet, unless with the express permission of the City Council.**
- 2.6 Mobile traders, such as ice cream vans and other operators may trade at a particular location only long enough to serve customers at that location, provided they conform to any code of practice issued by the City Council. Codes of practice may include requirements relating to goods to be sold, period of time sales take place at a particular location, times of the day during which sales may take place and the sounding of chimes and calls. Such traders cannot return to the same location within one hour.

- 2.7 The City Council reserves the right, should the need arise from time to time, to direct that the holder may not trade:
- a) From a particular location; or
 - b) From a particular location during certain times of the day **and/or set periods** and the holder must comply with that instruction
- 2.8 **The City Council takes no responsibility if a street trader is asked by the landowner to move location during the consent period**
- 2.9 The holder must ensure that the vehicle, stall, trailer or other trading unit must be moved from the location after the close of each trading day unless:
- a) The holder has written agreement from the landowner that the vehicle, stall, trailer or other trading unit can remain in that location, and
 - b) The keeping of the vehicle, stall, trailer or other trading unit in that location would not be in breach of planning permission requirements and would not cause an obstruction, nuisance or annoyance.
- 2.10 The holder must not permit any person under the age of 17 years to engage in street trading **activities**.
- 2.11 The holder must take all reasonable steps to ensure public safety, in particular, that the vehicle, stall, trailer or other trading unit used in connection with the street trading activity is maintained in a safe condition and is tested/services annually. The vehicle, stall, trailer or other trading unit must be kept in a clean condition.
- 2.12 The holder must not use or permit to be used any electrical or electronic equipment e.g. generators, televisions, radio receivers etc. in such a manner as to cause a disturbance or nuisance.
- 2.13 The holder must take adequate precautions to prevent the risk of an outbreak of fire at his vehicle, stall, trailer or trading unit. Where a power source or heating appliance is present e.g. generator or bottled gas container. Then current safety certificates issued by a competent person must be available and a suitable fire extinguisher must be provided. In addition, a fire blanket must be provided when selling hot food.
- 2.14 The holder must not obstruct the highway or footpath at the location of the street trading activity or cause danger to persons using the highway or footpath.
- 2.15 The holder must not cause nuisance or annoyance to persons using the street or otherwise.
- 2.16 The holder will be responsible for and reimburse the City Council in respect of any damage caused to the highway or footpath or any fittings or fixtures on it.
- 2.17 The holder must obey all road traffic regulations in force at the location of the street trading activity.
- 2.18 The holder must comply with any reasonable request/instruction given to him by an Authorised Officer or Police Officer.
- 2.19 The consent holder is responsible for training and operation of the consent and anyone who is working under that consent.**

- 2.20 Holders who sell food must adhere to the standards required to achieve a food hygiene rating of 3 or higher, and to observe proper food safety and hygiene standards at all times and make appropriate use of any equipment provided for this purpose.
- 2.21 Holders who are selling food must ensure the mobile unit is constructed and managed so as to comply with relevant food hygiene and health and safety legislation.
- 2.22 Holders who are selling food will only employ persons who are suitably trained/qualified in food hygiene.
- 2.23 Holders who are selling food will have separate wash hand basin facilities, provided with hot and cold or appropriately mixed running water. Hot water provided from instantaneous water boilers are not acceptable for hand washing.
- 2.24 No water from the washing of equipment or hand washing shall be allowed to discharge to the ground and the holder shall satisfy the City Council regarding its proper disposal.
- 2.25 The holder is responsible for the temporary storage of refuse, liquid and other deleterious material accumulated or created whilst trading and its subsequent removal from the site and shall satisfy the City Council regarding its proper disposal.
- 2.26 At least one refuse container must be provided by the holder and positioned near to the vehicle, stall, trailer or other trading unit and be available for use by customers.
- 2.27 The holder shall be responsible for collecting and removing all litter resulting from the street trading activity within 100 metres in any direction of the vehicle, stall, trailer or other trading unit and disposing of it in a proper manner.
- 2.28 The holder must ensure that a current price list of articles sold is prominently displayed at all times so that it can easily be read by prospective customers.
- 2.29 There must be no alteration to the design, construction or appearance of the vehicle, stall, trailer or other trading unit used in connection with the street trading activity without the written permission of the City Council having been obtained.
- 2.30 There must be no change in the type or range of articles sold without the written permission of the City Council having been obtained.
- 2.31 The holder must at all times have available for inspection an up to date and valid certificate of insurance (vehicle, public and employers liability). The level of public liability cover must be a minimum of £1,000,000.
- 2.32 The holder must ensure that disabled persons and wheelchair users can be adequately served. This may involve such customers being served from outside the vehicle, stall, trailer or other trading unit.
- 2.33 Where a street trading consent has been approved by the City Council the applicant will be issued with a unique plate that should be affixed to the rear of the vehicle or trailer.
- 2.34 The ID card should be worn by the applicant and be available for inspection by an Authorised Officer or a Police Officer.

Appendix 1

PROHIBITED STREETS

Salford City Council's prohibited streets are detailed below:

Walkden Road, from its junction with Aviary Road until the roundabout with the A572 (Leigh Road) and Worsley Brow, **including the lay-by in front of St Mark's Church**

Appendix 2

FEES, CHARGES AND REFUNDS

The **annual** street trading consent fees are detailed in the table below:

Type of application	Fee	Appropriate Action
New consent	£800	Full inspection by Authorised Officer
Consent renewal	£700	A full inspection may not be necessary if the holder operates a food business and can provide the City Council with the following documents: a) Food registration; b) Copy of current inspection report (within last 2 years); and c) A Food Hygiene Rating window sticker of 3 or higher

The **temporary** street trading and event fees are detailed in the table below:

Event period	Fee	Appropriate Action
1-2 days*	£60**	If the holder operates a food business and can provide the City Council with the following documents: a) Food registration; b) Copy of current inspection report (within last 2 years); and c) A Food Hygiene Rating window sticker of 3 or higher
	£120**	If the above can't be provided a full inspection will be undertaken
3-7 days*	£100**	Review of paperwork to assess a) to c) as above
	£200**	If the above can't be provided a full inspection will be undertaken
8 days to 1 month*	£160**	Review of paperwork to assess a) to c) as above
	£320**	If the above can't be provided a full inspection will be undertaken
1-3 months*	by quote	Review of the paperwork and fee would also include an inspection if required

For individual events the cost of the consent will be determined by the number of traders and the duration of the event. For example 3 traders for a 3 day event equates to 9 trader days, so fits within the 8 day to 1 month price bracket.

** 20% late submission fee will be incurred for applications submitted to the City Council with less than 14 days notice given.

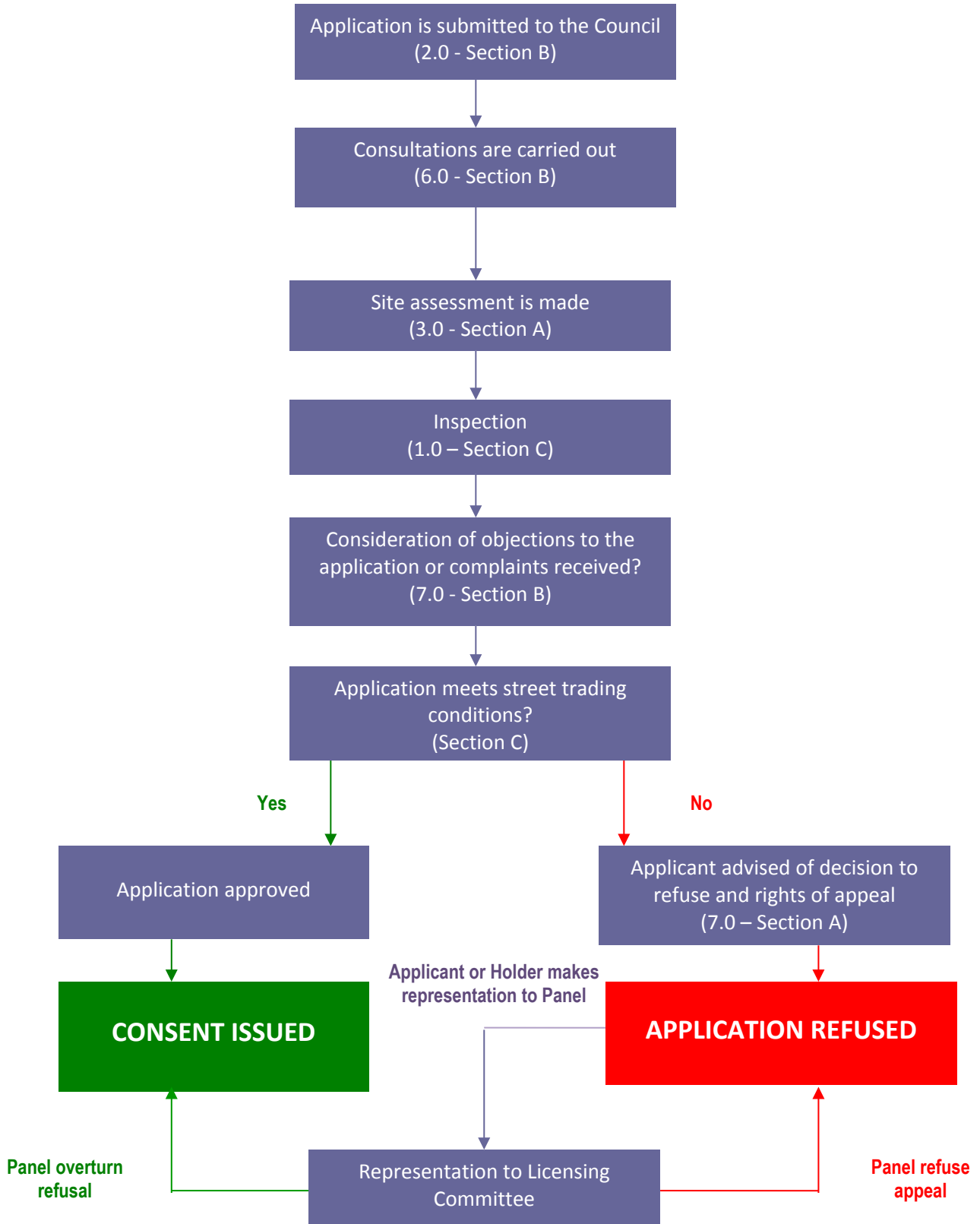
A summary of the refunds and charges are detailed in the table below:

	Fee or Refund
Failure to submit renewal application within 14 days of consent expiry date	Consent fee will be £800
New application no inspection undertaken	Refund of fee less £66 (admin)
New application & inspection undertaken	Refund of fee less £120
If application is refused based on consultation	Refund of fee less £120
If application is refused and appeal lodged	Refund of fee less £240
Revisit following consent suspension	Charge of £85
For temporary consents	Refund of fee less £66 (admin)
Transfer of consent	An administration fee of £66 will be incurred by the new holder, and the application documentation will need to be submitted and processed as a new application.
Managed streets or areas	No refunds will be issued. A managed street trading consent may be rescinded part way through the consent period if another applicant will take over the management of the street trading activities on the site. An administration charge of £66 will be incurred by the new applicant for this and the application documentation will need to be submitted and processed as a new application.

Appendix 3

PROCEDURE FOR DETERMINING STREET TRADING APPLICATIONS

The application and approval procedure comprises of the following stages;



This page is intentionally left blank