

# Street Trading

## Worcester City Council

### Contents

1. INTRODUCTION – The Policy 1
2. The Objectives of this Policy 2
3. Street Trading in Worcester 2
4. Definition of Street Trading 2
5. Exempt activities 3
6. Local exemptions 3
7. LICENSING ACT 2003 3
8. TYPES OF STREET TRADING Licences 3
9. APPLICATION ASSESSMENT 4
10. Application process 5
11. Suitability of applicant and assistants 6
12. Consideration and Determination of an Application 7
13. Special events 9
14. Miscellaneous Information 9
15. Responsibilities 10
16. Enforcement 10
17. Fees and Charges 11
18. Conditions attached to a licence 11

Annex A – Licence conditions

Annex B – Advice To Mobile Ice Cream Traders

### **1. INTRODUCTION – THE POLICY**

- 1.1. This document states Worcester City Council’s Policy on Street Trading, as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).
- 1.2. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this Policy document and the principles set out therein.

- 1.3. Notwithstanding the existence of this Policy, each application will be considered on its own merits, with reference to the principles and procedures that are detailed in this Policy.

## **2. THE OBJECTIVES OF THIS POLICY**

- 2.1. This Policy recognises the important service that is provided by street traders and the contribution they make to the local economy.
- 2.2. The objective of this Policy is to create a trading environment in which street trading complements existing premises-based retailing activities, is sensitive to the needs and concerns of residents and provides diversity in terms of consumer choice.
- 2.3. The Policy aims to ensure that street trading does not undermine safe and efficient passage along public highways.
- 2.4. This Policy aims to balance the needs of the wider community, local community and street traders, against the needs of those who may be adversely affected by the street trading activities.
- 2.5. The Policy aims to provide consistency and transparency in the way in which the Council deals with street trading and to ensure that street trading is fairly, appropriately and proportionately controlled, in line with the Council's Corporate Enforcement Policy.

## **3. STREET TRADING IN WORCESTER**

- 3.1. Worcester City Council (The Council) is the Licensing Authority responsible for considering applications for a range of activities that require a Street Trading Licences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- 3.2. The Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 to effectively control street trading.
- 3.3. All streets within the City are designated as Licence Streets. It is unlawful to trade in any street, road, footway, highway or adjacent area to which the public have access without payment, without a licence. Trading without a licence may result in prosecution.
- 3.4. The Council reserves the right to vary or revoke a licence at any time if the trader fails to comply with its conditions.
- 3.5. If you wish to trade outside the City of Worcester, you should contact the relevant District Council. Please note that procedures and rules may vary between councils.

## **4. DEFINITION OF STREET TRADING**

- 4.1. Street trading is defined in paragraph 1 of Schedule 4 of the Act as:

***'The selling or exposing or offering for sale of any article (including living thing) in a street.'***

The term 'street' includes:

***'Any road, footway, beach, or other area to which the public have access without payment, and a service area as defined in section 329 of the Highways Act 1980'***

- 4.2. This broad definition ensures that areas on private land such as gardens, car parks, and forecourts are included within the scope of this policy.

## **5. EXEMPT ACTIVITIES**

5.1. The following are not considered street trading under the Act:

- Pedlars with a certificate under the Pedlar's Act 1871 – No food sales
- Trading at a market or fair held under legal grant or enactment
- Trading in a trunk road picnic area provided under section 112 of the Highways Act 1980
- News vendors
- Trading at petrol stations
- Trading at or adjacent to shops as part of the shop's business
- Roundsmen selling or offering goods
- Trading for charitable purposes, where a vendor is operating not for private gain, where a payment is not required to access the land.
- Indoor markets are exempt from street trading legislation.
- Events that charge an entry fee do not need street trading licence.

5.2. Non-commercial events are not considered to be street trading and not require any form of street trading licence. a letter of intent/confirmation from the community organisers would normally satisfy the council. it is assumed that the community event organisers will have consulted with residents and businesses prior to holding the event.

5.3. If the purpose of the event is of a commercial nature, then it would be caught by the policy and an application required.

5.4. if the event is intended to have mixed-use for example., charity stalls alongside commercial stalls then street trading licence will be required, and an application will need to be submitted.

## **6. LOCAL EXEMPTIONS**

6.1. The Council may designate trading at specific events, such as school fêtes, street fairs, charity events, or national celebrations, as exempt from requiring a Street Trading Licence. A formal decision will be made prior to the event.

## **7. LICENSING ACT 2003**

7.1. Street traders wishing to sell alcohol or provide late-night refreshment (hot food or drink between 11pm and 5am) require additional authorisation under the Licensing Act 2003.

7.2. The Licensing Team can provide further information upon request.

## **8. TYPES OF STREET TRADING LICENCES**

8.1. Street Trading Licences will be issued according to the following categories:

### **8.2. Annual Street Trading Licence– Single Commercial Pitches**

Permits trading up to seven days a week at a fixed location within the Council area.

Duration 12 months - Trading between Monday to Sunday, 08:00–23:00.

### **8.3. Seasonal Street Trading Licence – Single Commercial Pitches**

Permits trading up to seven days a week at a fixed location within the council area for trading during specific seasons (e.g. summer season).

Duration typically 6 months - Trading between Monday to Sunday, 08:00–23:00.

### **8.4. Temporary/Occasional Street Trading – One Off Events**

Permits trading for between 1 to 31 consecutive days. Suitable for one-off events, such as pop-ups or event days.

Duration for between 1 day and 31 consecutive days between Monday to Sunday, 08:00–23:00.

Individual permissions apply for events on Council land or free events on private land.

Block Licence is required from organisers for 5 or more pitches.

### **8.5. Peripatetic or Mobile Street Trading**

For mobile units (e.g., ice cream vans).

Duration 12 months – Trading between Monday to Sunday 08:00 - 20:00.

Restrictions:

No trading within 50 metres of exist traders, schools, religious buildings, or licensed premises. Not valid in Council parks, open spaces, or car parks without express council permission

Traders must not remain static for more than 30 minutes and must not return to the same location within two hours

## **9. APPLICATION ASSESSMENT**

9.1. When considering applications for Street Trading Licences, the Council will take the following matters into consideration:

### **9.2. Public Safety**

- Location must not pose highway safety risks or obstruction
- Risk assessments required for flammable substances and security
- Previously refused locations are unlikely to be approved

### **9.3. Prevention of Crime and Disorder**

- Trading must not encourage or facilitate crime
- Risk assessments must address cash handling and trading hours
- Utensils and equipment must be securely stored, especially during late hours

### **9.4. Prevention of Nuisance**

- Activities must not disturb nearby residents or businesses
- Controls required for noise, light, waste, vermin, and fumes

- Complaints will be investigated; enforcement action may include licence withdrawal
- Refuse bins must be provided and maintained by the trader
- Waste disposal, including cooking oil, must comply with legislation

#### **9.5. Visual Amenity**

- High standards of presentation and appearance are expected
- Units must be clean, tidy, and free from rust or damage
- Visual clutter and obstruction will be considered
- Potential damage to highway surfaces, planters, trees, and street furniture will be assessed

#### **9.6. Commercial Need and Needs of the Area**

- Number of traders in the vicinity will be considered
- Proximity to schools and similar outlets will be assessed
- On lay-bys and trading estates, applications within 500m of existing traders will not normally be approved unless goods and hours differ

### **10. APPLICATION PROCESS**

10.1. The following information must be submitted at the time of application before it can be considered valid and processed by the Licensing Team. Incomplete applications will be rejected.

10.2. An initial completed application form must be accompanied by:

- a) the correct fee
- b) proof of identity (copy of passport or UK driving licence) for applicant and any assistants
- c) colour photographs of the stall or vehicle that is intended to be used for the street trading activity
- d) proof of the applicant's and any prospective assistant's right to work in the UK
- e) a valid Waste Transfer Contract or agreement or Waste Carrier Licence
- f) proof of insurance including public liability of at least £5,000,000
- g) in the case of a food trader, evidence of food registration with a local authority
- h) A basic Disclosure and Barring Service (DBS) checks for applicant and any assistants (dated within last 30 days before application date).

#### **10.3. Static licence application**

- A plan clearly identifying the proposed trading area with a red line. Where the application is for more than one location each site will need to be detailed and marked.

- Where the application is to trade on private land, written confirmation of freeholder's permission to trade on land.

#### **10.4. Mobile licence application**

- Where the proposed trading is on a mobile basis, a list of the trading area.
- A map that clearly shows the area to be traded from (in the case of mobile ice cream traders, the names of the streets suffice).

#### **10.5. Display of Applications and Public Notices**

**10.6.** Where the application is for GRANT of a new licence in respect of a static fixed location, the applicant must also advertise their application by displaying the prescribed Public Notice at the relevant location for not less than 28 days beginning with the day after the application for Licence is made to the Council.

**10.7.** Where the application is a for the GRANT of a temporary or event licence the Public notice period is reduced from to 7 days.

**10.8.** Information in relation to the form of the prescribed Public Notice are available from the licensing team.

**10.9.** New applications will also be displayed on the Council (WRS) 'New Street Trading Application' Webpage.

#### **11. SUITABILITY OF APPLICANT AND ASSISTANTS**

**11.1.** The primary aim of this policy is public protection. To help in achieving that aim, the council will consider the suitability of applicants to be authorised as street traders.

**11.2.** Street traders and their commercial activities are often subject to minimum levels of supervision. They interact closely with members of the public and it important that the public, especially vulnerable people are protected from harm and from those who may harm them, wherever possible.

**11.3.** Any assistant employed by the licensed trader, whether paid or not, should be registered with the Council Licensing team. Any breach of legislation or Street Trading conditions committed by the assistant may have a bearing on the licence.

**11.4.** The council will consider all relevant information relating to the suitability of the applicant and any assistants including whether they have been cautioned or convicted of any offences of:

- a. violence
- b. drug related offences
- c. public order offences
- d. food safety or health and safety offences
- e. any offence resulting in a sentence of imprisonment.

**11.5.** The council will normally reject applicants with a previous conviction of:

- a. sexual offences, particularly involving children and other vulnerable people

- 11.6. This will involve the applicant making a declaration to confirm their status relating to any 'unspent' cautions or convictions under the Rehabilitation of Offenders Act 1974:
- 11.7. When determining an application for the grant or renewal of a licence, the council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (for example, complaints and positive comments from the public, level of previous compliance, and willingness to co-operate with council officers) whilst holding licence/licence from the council or any other authority.
- 11.8. If any unspent convictions or cautions are declared, depending on their nature, then the council may as part of the application process hold a hearing to determine whether the applicant is a suitable person to hold a street trading licence. The application will not proceed until the suitability of the applicant has been determined.

#### **National Insurance Number and Right to Work**

- 11.9. A licensed street trader and named assistants shall provide a National Insurance Number and satisfactory evidence that the number given was issued to them. Temporary National Insurance Numbers are not acceptable.
- 11.10. A licensed street trader and named assistants shall provide all relevant supporting documents to support their legitimate right to work and in line with any Home Office immigration guidelines in force.

### **12. CONSIDERATION AND DETERMINATION OF AN APPLICATION**

- 12.1. Upon receipt by the Licensing Team, application forms will be checked for accuracy and completeness. Incomplete or incorrect applications will be returned.
- 12.2. Completed applications will be circulated for comment with various key stakeholders including, but not limited to:
- West Mercia Police
  - Worcestershire County Council (Highways)
  - Highways England
  - The District Councillor(s) for the Ward(s) concerned
  - Environmental Health
  - Events - Worcester City Council
  - Planning - Worcester City Council
  - Waste Management - Worcester City Council
  - Business Improvement Districts (if applicable)
  - Businesses in the immediate area (by way of a public notice)
  - Trading Standards – Worcestershire County Council

#### **Determining Applications with no Representations or Objections**

- 12.3. Where no representations or objections are received, Officers will grant a licence to the applicant in the terms that it was applied for.

### **Determining Applications through Mediation**

12.4. Where a representation or objection is received in respect of an application, Officers will, in the first instance, attempt to mediate between the relevant parties.

12.5. For example, it may be possible to find a compromise position in one of the following ways:

- amending the times during which trading will take place
- amending the days on which trading will take place
- adding conditions to the Licence to address specific concerns
- granting Licence for a trial period to assess the impact; or
- amending the list of articles to be sold

12.6. Where all relevant parties agree to a compromise position, a licence will be granted by Officers, subject to the agreed amendments.

### **Determining Applications Where Mediation Is Not Possible**

12.7. Where representations or objections are received and it is not possible to reach an agreed compromise, the applicant can make a representation to the Council requesting that the application be referred to the Licensing Sub-Committee for determination.

12.8. The Licensing Sub-Committee will be conducted in accordance with the Council's standard procedure.

### **Options Available To Licensing Sub-Committee**

12.9. When determining an application for grant or renewal of a Street Trading Licence, a Licensing Sub-Committee can take any of the following steps as is considered desirable with a view to meeting the objectives of this Policy:

- A. Grant Licence to the applicant as applied for,
- B. Refuse to grant Licence.
- C. Grant Licence to the applicant subject to modifications to any of the following matters:
  - the days on which trading can take place
  - the times during which trading can take place
  - the location(s) where trading can take place
  - the articles that can be traded
  - the conditions attached to the Licence
  - the duration of the Licence.

12.10. In the interests of transparency, full reasons will be given for any decision taken by a Licensing Sub-Committee and will be detailed in a formal decision notice.

12.11. Applicants have the right to appeal to the Magistrates Courts within 21 days, in such circumstances.

12.12. If an application is refused the application fee is refundable less an administration charge.

12.13. For licence renewals, any instalment payment arrangements must be agreed upon with the Council in advance.

### **13. SPECIAL EVENTS**

13.1. For special events and Block Bookings, the council will accept one application from the person organising the event and does not require individual traders to gain their own licence. This provision aims to promote and encourage traders to attend events within the district.

13.2. The application will require full details of each trader attending the event and must be submitted at least seven days in advance of the event. Last minute additions will be considered on a case-by-case basis and may incur increased administrative fees.

13.3. The event organiser will need to supply the following information for each trader:

- Name of trader, name of business, vehicle registration details (if used in connection with business)
- Public liability insurance certificate (minimum £5 million)
- Proof of food registration (if a food business).

13.4. There are additional conditions that relate to special events, which are detailed below. It is the responsibility of the event organiser to ensure that traders meet the conditions of this Street Trading Policy. A failure to ensure these conditions are met will be considered during the review of any future applications.

13.5. Community event organisers will be asked to provide evidence that they have consulted with residents and businesses prior to holding the event. If licence is granted, then a licence certificate will be issued to the event organiser for the duration of the event.

### **14. MISCELLANEOUS INFORMATION**

14.1. A Street Trading licence may be granted for any period not exceeding 12 months but may be revoked at any time.

14.2. The holder of a Street Trading licence may at any time surrender their Licence to the Council, and it shall then cease to be valid

14.3. A Street Trading Licence will normally be granted for 12 months and will then expire.

14.4. The Council will consider granting a Street Trading Licence for a shorter duration than 12 months on application in line with the options detailed in this policy.

14.5. Renewals will be processed upon receipt of a completed renewal application form and payment of the appropriate fee.

14.6. Licences are non-transferable and cannot be subcontracted or assigned to another person or business

14.7. If a licence is surrendered partway through the year, the licence holder may be entitled to a partial refund of the fee paid.

14.8. Refunds may be issued on a pro rata basis, subject to an administration charge.

14.9. If a licence is surrendered or not renewed, the site becomes available for other applicants. Licences are generally issued on a first-come, first-served basis. If multiple applications are received for the same site, the matter will be referred to the Licensing Committee for determination.

## 15. RESPONSIBILITIES

15.1. A Licensee is responsible for ensuring that:

- a) All licence conditions are fully complied with.
- b) All relevant insurance and or safety certificates are submitted to the Council with any licence application.
- c) The vehicle or stall is registered with the Council as a food business if food of any description is being sold.
- d) The Council is not held liable for any acts or omissions arising from the grant of a licence.
- e) Where trading occurs on private land to which the public has unrestricted access, permission to trade must be obtained from both the landowner/occupier and the Council.

## 16. ENFORCEMENT

16.1. The council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues in accordance with the council's corporate enforcement policy.

16.2. The following are offences under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982:

- engaging in street trading in a licensed street without licence
- breaches of a condition in relation to trading location or unit or trading period
- breaches of a condition attached to the granted licence.

16.3. A person guilty of the above offences may be liable on conviction to a fine of up to £1,000.

16.4. The council will investigate any complaints relating to street trading activities, such as trading without licence or breach of conditions, and may take enforcement action as appropriate. Licence holders will be expected to liaise with the council to resolve them. Substantiated complaints may result in a licence being revoked and refusal to grant further licence on application.

16.5. Failure to comply with one or more of the standard conditions of licence may lead to suspension, variation, revocation, or non-renewal of street trading licence. The licence holder may also be prosecuted where a criminal offence has occurred.

## **17. FEES AND CHARGES**

- 17.1.** The fees charged by the Authority for licences to trade will cover the cost of administering the application process, administering the service and undertaking enforcement and compliance activities.
- 17.2.** The fees will be reviewed at on an annual basis and published on the Council's website.
- 17.3.** Any failure by a licence holder to pay the required fee may result in the revocation of a licence.
- 17.4.** Street trading fees may be waived at the discretion of the relevant Corporate Head of Service, acting in consultation with the Chairman and Vice-Chairman of the Licensing Committee. Fees may only be waived in relation to charitable or community events, or events of a similar nature. Each event will be judged on its own merits.

## **18. CONDITIONS ATTACHED TO A LICENCE**

- 18.1.** Standard conditions will be attached to every street trading licence detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.
- 18.2.** 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.
- 18.3.** Failure to comply with conditions may lead to revocation or non-renewal of licence. Persons trading without a required licence may be subject to enforcement action in accordance with the Enforcement Policy.
- 18.4.** The council reserves the right to change all or part of these conditions without notice.

## **Annex A**

### **STANDARD CONDITIONS - Conditions on Licence**

The following conditions will be attached to all street trading licences:

#### **GENERAL CONDITIONS RELATING TO STREET TRADING LICENCES**

1. The Licence is valid for the period shown on the Licence.
2. The Licensee shall pay a fee to the Council in accordance with the approved list of fees.
3. The Licence may be surrendered by the licensee at any time, providing that the Council shall repay to the licensee that part of the licence fee considered by the Council appropriate for the unexpired period of the licence, less for administrative expenses, the exception being the day rate.
4. The Licence holder must always while trading display in a conspicuous position the Licence issued by the Council.
5. The Licensee shall not sell any type of food, goods or merchandise other than that specified in the Licence.
6. The Licensee shall not trade outside the times and days permitted by the Licence.
7. The Licensee shall not trade in any location other than the location permitted by the Licence.
8. Any vehicle, stall or container used by the Licensee during street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
9. The Licence shall not operate for any other purpose than to permit the Licensee to trade in a Licence Street in accordance with the conditions imposed. The Licensee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
10. The Licensee must be 18 years of age or over and shall always be responsible for control of the trading unit. Any persons assisting on the trading unit shall be 18 years of age or over.
11. The Licence is personal to the Licence holder and shall not be assigned or transferred to any other person or company.
12. The Licence holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
13. The conditions attached to the Licence may be varied by the Council at any time.
14. In these conditions "the Licence" means a Licence issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. "Licensee" means the person named on the Licence issued by the Council and includes any employee, servant or agent of the licence holder and "the Council" means Worcester City Council.

#### **NUISANCE**

15. The Licensee shall not carry on his/her trade in such a way as to cause obstruction, danger, nuisance or annoyance to persons using or occupying the street or in the vicinity.
16. The Licensee shall not use any device for the reproduction of sound while trading without the express permission of the Council.

#### **WASTE**

17. The Licensee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. The Licensee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.
18. The Licensee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.

#### **LIABILITIES**

19. The Licence holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.
20. Nothing contained in these conditions shall relieve or excuse the Licence holder or his/her employee or agent from any legal duty or liability and the Licence holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
21. Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.

#### **ADDITIONAL CONDITIONS APPLICABLE TO MOBILE LICENCES**

22. Vehicles and trading units must move from location to location within the controlled area.
23. The holder of a mobile street trading licence may only trade at any given place for up to a maximum of 15 minutes. If at the end of this 15 minute period, there is a queue of customers waiting to be served, the trader may continue to serve those customers until either all customers in the queue have been served or another 15 minute period has passed, whichever is the earliest.
24. Under no circumstances can a mobile street trader remain trading at the same place for more than 30 minutes before leaving
25. Having left a location at which they have been trading, a mobile street trader may not return to any location within 100 metres of that location for a period of at least 3 hours
26. If a licence holder, operator or assistant is requested to move the vehicle by a licensing officer or police officer, they shall immediately comply with that request.

#### **ADDITIONAL CONDITIONS SPECIFIC TO FOOD TRADERS**

(Food Safety Requirements for all Food Traders, The Food Hygiene (England) Regulations 2006)

27. All food traders must be registered with a relevant Local Authority at least 28 days prior to starting to trade.
28. All food traders must have in place written food safety management procedures based on HACCP (hazard analysis critical control point) principles.
29. The person (or people) responsible for developing and maintaining the food safety management system must have received adequate training to enable them to do this. Any member of staff must be supervised/instructed/trained in food hygiene in a way that is appropriate for the food they handle. You do not have to attend a formal course but this is highly recommended e.g. Chartered Institute of Environmental Health to ensure you are aware of the legal requirements.
30. The trading unit must be kept clean and maintained in good repair.
31. All food handlers must keep themselves and their over clothing clean, any cut or abrasion covered with distinctive material, refrain from spitting or smoking while they are on or around the unit.
32. Any food handler who is suffering from food poisoning or any condition likely to cause food poisoning should not work until they have had no symptoms for 48 hours.
33. All wrapping paper and food containers must be clean and approved for food use.
34. Specified high risk foods must be kept at or below a temperature of 8°C or if to be served hot kept at a temperature of 63°C or more until sold. It is recommended that these temperatures be recorded.
35. Any food on display must be protected against contamination.
36. Every trading unit must have a sufficient supply of clean and wholesome water. If water is stored in a container, this must be kept clean and disinfected regularly.
37. You must have appropriate facilities to maintain adequate personal hygiene, including facilities to wash and dry hands hygienically, hygienic toilet and changing facilities. Hot water must be available whenever trading. It is recommended that liquid soap (anti-bacterial) and paper towels are used.
38. Suitable and sufficient washing facilities, complete with an adequate supply of hot and cold water, detergents and clean drying facilities must be provided and maintained in a clean condition and good working order. The sink must be cleaned and disinfected between being used for food washing and equipment washing. Hot water must be available whenever trading.
39. Disinfectants/sanitiser must be available for food contact equipment and surfaces. Adequate first aid materials including waterproof dressings must be maintained in the unit. It is recommended that coloured dressings are provided.
40. No live animals or articles which could contaminate food are permitted within the unit.
41. The vehicle must not be used as a sleeping place.

42. Suitable and sufficient lighting must be provided and maintained within the unit. All electric units should be enclosed to prevent contamination of food.
43. A suitable bin with a close fitting lid should be provided for the separation and disposal of waste. No refuse or other waste must be allowed to accumulate in or around the unit.
44. The unit must not be sited close to sources of contamination or pests.
45. Any sanitary convenience regularly used in connection with any unit must be kept clean, in good repair, properly lighted and ventilated.
46. Failure to comply with food safety regulations may result in legal proceedings and/or revocation of the licence.

**FAILURE TO COMPLY WITH CONDITIONS**

47. Any breach of these conditions may lead to the Licence being suspended or revoked.
48. If the licence holder fails to comply with any of the conditions attached to a street trading licence, the licence may be revoked.
49. The licence holder may also be prosecuted for trading outside of the location or times specified in the street trading licence.

## **Annex B**

### **ADVICE TO MOBILE ICE CREAM TRADERS**

#### **1. Under the provisions of the Control of Pollution Act 1971:**

- it is an offence to sound your chimes before 12 noon or after 7p.m.
- it is an offence to sound you chimes at any time in a way which gives reasonable cause for annoyance.

#### **2. A mobile ice cream trader may sound chimes, but not:**

- for longer than 4 seconds at a time
- more often than once every 3 minutes
- when the vehicle is stationary
- When in sight of another vehicle which is trading
- When within 50 metres of schools (during School Hours), hospitals and places of Worship (On Sundays and other recognized days of Worship)
- More often than once every 2 hours in the same length of street
- With the volume too loud, i.e. more than 80db(A)