



APPENDIX 1

**EAST CAMBRIDGESHIRE
DISTRICT COUNCIL**

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1982**

STREET TRADING POLICY

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1.0 Introduction

- 1.1 The aim of this policy is to set out East Cambridgeshire District Council's framework for the management of street trading with the aims to prevent obstruction of the streets, ensure the safety of persons using them and prevent nuisance to neighbouring residents and businesses. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people of the area.
- 1.2 Whilst these factors will be under consideration it should be stressed that the following fundamental principles will also be observed: -
- a) the right of any individual or body to apply for a permission is not undermined and that each application will be determined on its merits;
 - b) the statutory right of any person to make appropriate representations;
 - c) that the statutory function of licensing is primarily concerned with the regulation of activities within the legislation and that any terms and conditions will focus on:
 - i) matters within the control of individual consent holders who are granted any relevant permissions;
 - ii) the premises and places being used for licensable activities;
 - iii) the direct impact of the activities taking place at the relevant
 - iv) premises on the public living, working or engaged in normal activity in the area concerned;
- 1.3 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.4 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and the commitment to work in partnership with other enforcement agencies.

Consultation

- 1.5 In determining this policy, the Council has consulted the following people and bodies:
- Cambridgeshire Police;
 - Cambridgeshire Fire and Rescue;
 - Cambridge County Council highways department;
 - Existing licence holders;
 - Representatives of businesses and residents in the East Cambridgeshire district;
 - City, town and parish councils;
 - District Councillors
 - Ely Chamber of Commerce
- 1.6 The views of all the appropriate bodies and organisations have been taken into account in the drafting of this policy.

Review of the Policy

- 1.7 This policy will be reviewed every five years at which time, further consultation will be undertaken. Additionally, the policy may be reviewed from time to time to take account of changes in legislation or government guidance.

Definitions of terms used in this policy

- 1.8 Within the terms of the East Cambridgeshire District Council's Street Trading Consent Scheme the following definitions apply:

1982 Act	The Local Government (Miscellaneous Provisions) Act 1982
The Council	East Cambridgeshire District Council
Street Trading	Selling or exposing or offering for sale of any article (including a living thing) in any street.
Street	i) Any road, footway, beach 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, and also includes any part of a street.
Consent Street	A street in which street trading is prohibited without the consent of East Cambridgeshire District Council.
Consent	Consent to trade on a street issued by East Cambridgeshire District Council
Consent Holder	The person or company to whom the consent to trade has been granted to by East Cambridgeshire District Council.
Licensed Street	A street in which street trading is prohibited without obtaining a street trading licence from East Cambridgeshire District Council.
Prohibited Street	A street in which street trading is prohibited at all times.
Static Street Trader	A trader granted permission by East Cambridgeshire District Council to trade from a specified position
Mobile Trader	A trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
Authorised Officer	An officer employed by East Cambridgeshire District Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

2.0 Legislation and current provision

- 2.1 Street trading is governed by the 1982 Act. The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but no duty) to designate specific areas within their administrative boundaries as either:

- Prohibited streets: those which are not open to street traders
- Consent streets: where street trading is prohibited without local authority consent
- Licence streets: where trading is prohibited without a local authority licence.

- 2.2 At a meeting of Council held on 17 January 1984, it was resolved that Schedule 4 of the 1982 Act should apply to the East Cambridgeshire District Council area. Subsequent resolutions have been passed designating streets within the district as Consent and Prohibited streets in accordance with Schedule 4 of the 1982 Act. The Council does not have any streets designated as licensed streets.

- 2.3 Any person who wishes to trade on a Consent Street must obtain permission from the Council before they commence trading. Street Trading is not permitted on streets designated as Prohibited Streets at any time.

- | 2.4 Annex 1, list the streets in the district that are currently designated as Consent, and Prohibited streets. The Council may designate or re-designate streets from time to time, but must follow a strict process when doing so. This process includes a requirement to advertise the proposed change.

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- 2.5 Street traders who serve hot or cold drink at any time between 11.00pm and 05:00am the following day or sell alcohol will also require a Premises Licence under the Licensing Act 2003.
- 2.6 Local Authorities can place conditions on any Consent they issue. The Act also creates offences associated with trading in Consent streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.
- 2.7 Traders may also be required to obtain planning permission or food registration if applicable to their application.
- 2.8 Street trading consent applicants must have a right to work in the UK. Applications will be refused where any of the applicants listed on the application form do not have this right.

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Exempted activities

- 2.9 The Act makes certain activities exempt from the requirement to hold a Consent. These are:
- a) Pedlars acting under the authority of a pedlar's certificate granted under the Pedlars Act 1871
 - b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
 - c) Trading on a trunk road picnic area under Section 112 of the Highways Act 1980
 - d) News vendors selling only newspapers or periodicals
 - e) Petrol filling stations
 - f) Shops forecourts
 - g) Rounds men (as they have defined customers, defined routes, this is the traditional milk round delivering to order).
 - h) Objects or structures placed on, in or over a highway under Part VIIIA of the Highways Act 1980
 - i) Operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980
 - j) Street Collections (covered by the Police, Factories, Etc (Miscellaneous Provisions) Act 1916)

3.0 The licensing process and delegation of functions

- 3.1 This part of the document sets out how applications for street trading permissions in the East Cambridgeshire District will be dealt with. The Council aims to provide a clear, consistent licensing service for service users whilst at the same time aiming to protect the safety of highway users and to prevent nuisance or annoyance.
- 3.2 Delegation is laid out in the Council's Constitution. In certain circumstances, e.g. when a representation has been made to a licence application, applications will be referred to the Licensing Committee for determination.

4.0 Applications for a street trading consent

Advice for new applicants

- 4.1 New applicants must be at least 17 years of age, and are advised to contact the Council, Cambridgeshire Constabulary and Cambridgeshire County Transport at their earliest opportunity, preferably before an application is made. This allows the Authorised Officers to provide advice, as well as clarifying any areas of uncertainty.
- 4.2 The Council can also provide advice in relation to other legal requirements of a new licence holder, for example, planning permission, or food registration approval.
- 4.3 Applications will be considered from organisers of Markets, Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block Consent for the market or event in question. The market or event organiser in receipt of a Block Consent will become responsible for all the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

- 4.4 An applicant for the grant of a first time Consent should give a minimum of 90 days notice of application to allow time for a determination. It may be possible to obtain a Consent having given less than 90 days notice, but this cannot be guaranteed.

New Applications

- 4.5 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.
- 4.6 Each application must be accompanied by the published application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the Consent is refused.

- 4.7 The following will also be required to be submitted with the application:

- Where the proposed street trading is from a fixed position, a copy of a map clearly identifying the proposed site position by marking the site boundary with a red line.
- Details of the proposed activity, including the nature of goods being sold, times and days of operations.
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
- A Passport style photo of the applicant(s) endorsed as a true likeness by a person of professional standing.
- A photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- Gas safety certificate issued by a Gas Safe registered gas engineer, if applicable.
- Written report of electrical safety issued by a NICEIC registered electrical contractor, if applicable.
- Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
- Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
- It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

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Processing of an Application

- 4.8 On receipt of an application an acknowledgment will be sent to the applicant.
- 4.9 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises/site which the applicant intends to trade from.
- 4.10 Before a Street Trading Consent is granted the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons will be consulted:
- Cambridgeshire Constabulary,
 - Cambridgeshire Fire and Rescue Service,
 - Cambridge County Council highways department,
 - Environmental Health
 - Planning

- Ward, City, town and parish councils
- [Property owners within 100metres who directly overlook the proposed location \(static pitches only\)](#)
- [Town centre manager](#)

4.11 Twenty-eight days will be given to consultees to make comments / objections. If no comments are received, the application will be granted in the terms applied for with standard conditions attached to the Consent. If representations are received, then the Licensing Committee will be required to determine the application.

4.12 More information on Member determinations can be found in the “Determination of application by Licensing Committee” section on page 9.

Key Considerations

4.13 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.

4.14 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

a) **Public 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.

b) **Public Order**

Whether the street trading activity represents, or is likely to represent a substantial risk to public order.

c) **The Avoidance of Public Nuisance**

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

d) **Highway**

The location and operating times will be such that the highway can be maintained in accordance with the Buckinghamshire 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.

e) **Compliance with legal requirements**

Trading should only be conducted from a trading unit that complies with relevant legislation. Observations from relevant officers will be considered on this point.

4.15 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;
- The site does not allow the Consent Holder, staff and customers to park in a safe manner;
- The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.
- 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.

Departure from Policy

- 4.16 In exercising its discretion in carrying out its regulatory functions, East Cambridgeshire District Council will have regard to this Policy document and the principles set out therein.
- 4.17 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 4.18 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. Members of the determining Committee, or the Environmental Services Manager may authorise a departure from the policy in accordance with this section if he/she/they consider it necessary in the specific circumstances. In cases where the Environmental Services Manager departs from the policy he/she will advise Councillors of the action taken at the next available Licensing Committee.

Renewal applications

- 4.19 Renewal applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.
- 4.20 Renewal applications will only be accepted where the trading location, trading days, and the nature of the goods being sold is identical to that of the Consent that is due to expire.
- 4.21 The following reduced list of supporting documents will be required to be submitted with a renewal application and the appropriate fee:
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
 - A recent Passport style photo of the applicant(s)
 - A recent photo of the front, rear, left and right aspects of the van, cart, barrow, other vehicle or stall from which trading is intended to take place.
- 4.22 Upon receiving a renewal application, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

- 4.23 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues, and all fees have been paid on time, the Consent will be renewed within 28 days of receipt.
- 4.24 Where there have been complaints or enforcement issues, or fees have not been paid on time, a renewal application may be referred to the Licensing Committee for determination. For this reason, Consent holders are advised to submit their renewal application two months prior to the expiry date.

Transfer applications

- 4.25 A transfer application will only be accepted where the van, cart, barrow, other vehicle or stall from which trading is intended to take place by the proposed consent holder is the same van, cart, barrow, other vehicle or stall from which trading is currently taking place. No aspects of the Consent can be amended other than the consent holder's details.
- 4.26 Applications will only be considered if submitted on the Council's prescribed application form available from www.eastcambs.gov.uk.
- 4.27 Each application must be accompanied by the published transfer application fee. An application will not be considered as duly made until the prescribed application fee has been received. The application fee will be refunded if the transfer is refused. A refund of in advance fees will be provided to the previous consent holder. The new consent holder will be liable for in advance fees which must be settled before the transfer can be granted.
- 4.28 No consultation will take place, but the following will also be required to be submitted with the transfer application:
- Confirmation that third party and public liability insurance for street trading with a minimum of £2,000,000 liability cover is, or will be in place during the street trading activity.
 - A transfer consent form completed by the existing consent holder, or confirmation that the consent holder has passed away.
 - A Passport style photo of the applicant(s) endorsed as a true likeness by a person of professional standing.
 - Evidence to confirm food handlers have undertaken a satisfactory level of food hygiene training, if applicable.
 - Confirmation that the mobile unit is registered under the Food Premises (Registration) Regulations 1991, if applicable.
 - It is a requirement on the application form to disclose previous unspent convictions. Where an offence is declared, the Council reserves the right to request a basic DBS criminal record certificate.

Determination of application by Licensing Committee

- 4.29 The Council's Licensing Committee has been established to consider applications in relation to licensing matters. Licensing Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature. The role of the Licensing Committee with regards to Street Trading is to determine applications to which objections have been made.
- 4.30 On receipt of a written objection arrangements will be made to have the appeal or application heard at the next available meeting of the Licensing Committee.
- 4.31 Once arrangements have been made for the application to be heard by the Licensing Committee all parties will be advised in writing of the date, time and place where the

application will be heard. The Council will endeavour to have applications heard as quickly as possible.

- 4.32 A report will be produced by the Licensing Officer. Members of the Committee and the applicant will be provided with a copy of the report which will include the letters of objection. Further copies of the report will be made available on the day of the Committee.
- 4.33 The person submitting an application will be expected to attend the hearing. The applicant can be represented by a solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to all attending parties in advance of the meeting.
- 4.34 In determining an application the Licensing Committee will consider both the written word, and oral submissions relating to their application or representation, as well as the statement of fact from the Council's Licensing Officer.
- 4.35 Witnesses may be used, and supporting documentation may be submitted to the Licensing Committee for consideration providing this information is provided at least two working days prior to the hearing commencing. Witnesses and supporting documentation may only be used without prior notice with the agreement of all parties on the day of the hearing.
- 4.36 The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and all other parties. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. A decision will be made on the day, and will be communicated to all parties within 5 working days.
- 4.37 The Licensing Committee will always strive to ensure that when it is considering an application, all persons get a proper and fair hearing through:
1. Considering each case on its own merits.
 2. Using these guidelines to assess applications where it is felt appropriate.
 3. Ensuring that the rules of natural justice are applied in any hearings held.
 4. Giving all parties sufficient opportunity to present their case, ask questions of officers and members of the Panel and present information for consideration in support of their case.

Refusals

- 4.38 Where an application is refused, reasons for refusal will be provided. The decision of the Officer or Licensing Committee is final. The 1982 Act does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading Consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision of the Licensing Panel, should it be felt necessary. The Council recommends taking legal advice prior to commencing any action following the refusal of a Consent application as legal costs may become payable.

Duration of consents

- 4.39 Consents will be issued for a period of up to one year. Fees will be payable per quarter in advance.
- 4.40 Consents that have not been renewed by their expiry date will cease to exist and trading must cease until such time as a new Consent has been granted.
- 4.41 A Consent cannot be transferred or sold to another person unless the Licensing Authority are informed by way of the proposed owner submitting a transfer application. In the event of the death or incapacity of the Consent Holder a member of the Consent holder's immediate

family may apply for an interim Consent whilst the normal transfer is processed. For more information refer to the section on transfers.

4.42 The sub-letting of a pitch is prohibited.

5.0 Consent Conditions

- 5.1 Standard conditions will be attached to every issued Consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality. These are detailed in annex 3.
- 5.2 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 and location of the pitch.
- 5.3 Failure to comply with conditions may lead to the revocation or non renewal of Consent.
- 5.4 In certain circumstances, the Council may wish to add, alter or amend the conditions on a trading Consent. Any amendments or variations to specific consent conditions that are requested by Consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the Council's decision to refuse to amend or vary a Consent condition.

6.0 Fees

- 6.1 The 1982 Act permits a Council to charge reasonable fees for the grant and renewal of Consents. The level of fees applicable takes into account the duration of the Consent, the trading hours, location and the nature of the articles being sold. Details of the current fees can be found in annex 2 and on www.eastcambs.gov.uk. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance. One month's notice of ceasing to trade must be given. Where trading ceases during the term of a Consent refunds will not be given for any outstanding period of less than 1 month.
- 6.2 Applications for annual Consents should be accompanied by an application fee which is set at 10% of the annual fee. If the application is approved, the balance of the quarterly fee will be due in advance of the Consent being issued. If the application is not successful the application fee will be refunded. Daily consents must be accompanied by the full fee.
- 6.3 Reduced fees will be payable by organisers of:
- Non-commercial fetes, carnivals or similar community based and run events.¹
 - Non-commercial, civic, or charitable events.¹
 - Farmers markets (producer-managed marketplace for local producers to sell their own produce direct to local people)
 - Sales of articles by householders on land contiguous with their homes.²

¹ *In order to be considered eligible for reduced fees, an event must be promoted with the intention that all money raised (proceeds) from the event will go entirely to purposes that are not for private gain. Money raised by third parties i.e. traders at the event will not be considered as proceeds from the event, and so may be appropriated for private gain, and will not be taken into account when determining eligibility under this paragraph.*

² *For the purposes of this paragraph "land contiguous" will be construed to be land owned by the householder not including the house itself, i.e. the articles must be placed within any garden or hard-standing area, not on the public highway. Consent may be obtainable to trade on the public highway in such circumstances, but no reduced fee will be available.*

7.0 Markets, special events, commercial events, and individual trader one off daily permits.

- 7.1 The authorised weekly Ely markets held on a Thursday, Saturday and Sunday, the Christmas Food Flower and Craft held on or around the last Sunday of November, and the Christmas special market held on or around the 23 December are outside the scope of the street trading scheme. Trading at these events/markets are dealt with by the Tourism and Town Centre Manager at of the Council.
- 7.2 For special events, and commercial events such as continental street markets, street fairs, craft shows, and events such as those mentioned in paragraph 6.3 above, the Council will issue one Consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them. Applicants wishing to use this provision must provide at least twenty-eight days notice, and availability is strictly on a first come, first served basis.
- 7.3 The Council will require that the company produces a list of the individual traders before the trading day, and a signed declaration that the organiser is satisfied that all the traders hold the necessary insurances and certificates for the stall they are running.
- 7.4 Applications for markets, special events, and commercial events will be subject to a reduced consultation process than that required of normal annual consent applicants, however, determination may take up to the full 28 day limit.
- 7.5 Daily permits for individual traders wishing to trade on a consent street are available. The list of items in paragraph 4.7 must accompany an application, but when determining the application the consultation stage shall be omitted. No more than sixteen days of trading per consent street, per trader/stall will be permitted under this provision per annum. All other considerations will be taken into account when determining an application. Applicants wishing to use this provision must provide at least ten clear working days notice, and availability is strictly on a first come, first served basis.

8.0 Enforcement

- 8.1 The Council is committed to enforcing the provisions contained within the relevant legislation, and will work in partnership with all enforcement agencies to provide consistent enforcement on licensing issues.
- 8.2 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 8.3 In pursuing its objectives detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Enforcement Policy.
- 8.4 The responsibility for the overall supervision of street trading lies with the Environmental Services Manager.

9.0 Further Information

Further information on the Authority's licensing policy and application process can be obtained from:

Licensing Team
East Cambridgeshire District Council
The Grange
Nutholt Lane
Ely
Cambridgeshire
CB7 4EE

T: 01353 665555

E: licensing@eastcambs.gov.uk

Website: www.eastcambs.gov.uk

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Annex 1 – Designated Streets

Consent Streets
All streets as defined by the 1982 Act with the exception of the prohibited streets listed below.
Prohibited Streets
Trunk Road A10 within the District Trunk Road A11 within the District Trunk Road A14 within the District

Annex 2

Current fees applicable to Street Trading Consents

Type of goods	Ely (central zone) daily consent fees		Annual	All other areas (daily consent fees)		Annual	Transfer
	Sun to Wed	Thurs to Sat		Sun to Wed	Thurs to Sat		
Clothing	£20	£30	£1040	£15	£20	£740	£48
Electrical spares							
DIY products							
Hot food and drink							
Furniture	£20	£30	£780	£15	£20	£480	£48
Records, CD's and DVD							
Household cleaning goods							
Books							
Fresh fish	£20	£20	£520	£15	£15	£320	£48
Fresh meat							
Fruit and Veg							
Delicatessen							
Flowers and Plants							
Ice-cream vendors							
Cakes/ Bakery							
Arts and crafts							
All other traders	£20	£30	£1040	£15	£20	£740	£48

The application fee for annual consent applications is set at 10% of the full annual fee. This must accompany all applications, and will be refunded if the application is unsuccessful.

Replacement consent certificates can be provided. The cost is £10.50.

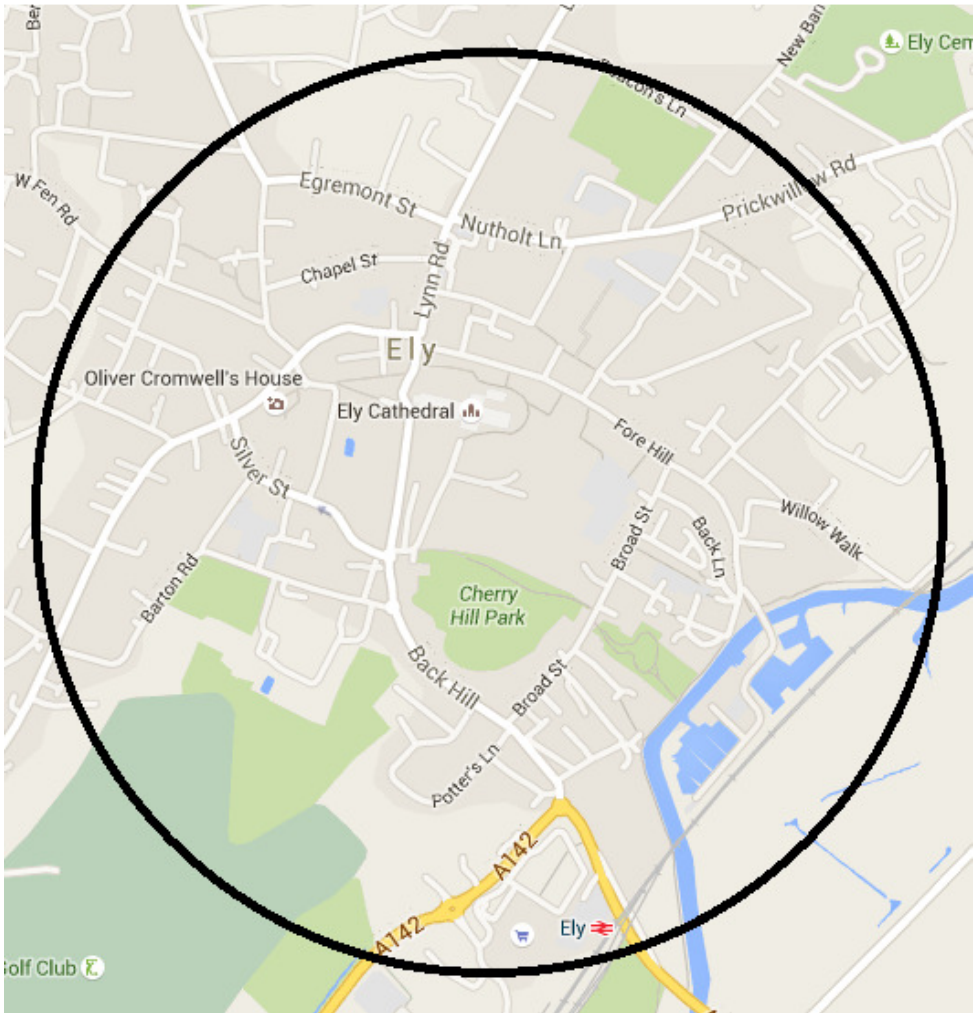
Special Events/Markets/Commercial Events

Number of stalls	Fee per day of the event
10 – 20	£100
21 – 40	£200
41 or more	£500

Events listed in paragraph 6.3

Fee per day of the event
£20

Ely central charging zone



Annex 3

Standard conditions applicable to Street Trading Consents

General

These Standard Conditions will apply to all licences unless dis-applied or varied by the Environmental Services Manager, or they are over-ridden by the special conditions for special events/markets.

Standard Conditions

1. Definitions
 - i. 'street' includes –
 - a) any road, footway, beach or other area to which the public have access without payment, and
 - b) a service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street
 - ii. 'street trading' means –
the selling or exposing for sale of any article (including a living thing) in a street
2. The Consent granted by the Council is personal to the holder.
3. The consent holder (or a person nominated by the consent holder) shall attend in person at the Consent position for not less than 75% of the time on any day which trading is carried out.
4. The street trading consent only relates to the vehicle/premises stipulated within the Consent.
5. The consent holder can only trade in the goods stipulated in the consent.
6. Ancillary items can be sold where relevant to the goods being traded.
7. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent, and goods should not migrate outside of the permitted area.
8. Where appropriate the consent holder of any street trading consent and the stall and/or vehicle must comply with all relevant road traffic and highways legislation.
9. Any stall, vehicle, van, barrow, or cart authorised by the Council must be equipped with safe and adequate lighting for operation during the hours of darkness.
10. Where appropriate the consent holder of the street trading consent and the stall and/or vehicle must comply with all relevant food hygiene legislation.
11. The consent holder shall only trade from a stall or vehicle approved by the Council in writing.
12. The Consent may only be transferred to another person with the prior written consent of the Environmental Services Manager.
13. The consent holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only during the permitted hours.
14. The 'permitted hours' will be those stipulated within the Consent.
15. Unless stipulated within the Consent, the van, vehicle, barrow, cart or stall shall be removed from the site at the end of each trading day.

16. The consent holder will vacate the site within 30 minutes of the end of the permitted hours.
17. The consent holder shall not trade in any street designated by the Council as a prohibited street.
18. WC facilities must be made available for staff and members of the public if seating is made available for consumption of food on site.
19. The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition to the satisfaction of an Officer of the Council authorised in writing under the appropriate legislation.
20. The consent holder shall conduct his/her business in such a manner to ensure that he/she does not:
 - a) Cause a nuisance from noise, vibration, smoke or smell to the occupiers of adjoining property.
 - b) Cause an obstruction to the vehicles or pedestrians in the street.
 - c) Cause a danger to occupiers of adjoining property or to other users of the street.
21. The consent holder shall not seek to attract attention or custom by shouting or making undue noise or by permitting the playing of music, music reproducing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
22. Refuse storage must be provided adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner.
23. The consent holder shall ensure that the whole of the lay-by and adjacent verge/ footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
24. A copy of the Consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
25. The holder, or any employee of the holder, shall produce a copy of the Consent on demand when required by a Police Officer or an authorised officer of the Council.
26. Nothing in any consent shall purport to grant to the holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
27. The holder shall not place on the street any furniture or equipment or advertisement other than as specified in the Consent.
28. No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For the purpose of this condition, material is unsuitable if in the opinion of an Officer of the Council authorised under the appropriate legislation, it is indecent, scandalous, offensive or likely to be harmful to any person likely to apprehend it. Items including but not limited to items used for sexual stimulation, and/or weapons likely to cause harm would be considered unsuitable. Material may also be considered to be unsuitable if it is of such a nature as to distract motorists driving on the highway.
29. The name and business address of the consent holder and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it. Where this is a private address, suitable contact details must be displayed. The sign must be approved in writing by the Environmental Services Manager.

30. No signage or objects shall be placed on the highway or area surrounding the vehicle / premises without the appropriate permit.
31. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which Consent has been granted.
32. Failure to comply with any condition attached to the street trading consent may result in the revocation of such Consent.
33. The holder shall notify the Environmental Services Manager at the Council Offices, The Grange, Nutholt Road, Ely, CB7 4EE in writing of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
34. The holder of a Consent shall carry public liability insurance of not less than £10 million, evidence of which shall be supplied to the Council prior to the grant of the Consent.
35. The Council may revoke the Consent at any time.
36. The holder will return the Consent to the Council immediately upon revocation or surrender.
37. In the event of the Consent being surrendered or revoked no refunds will be given. Where Consent is withdrawn by the Council for reasons other than an offence or breach being committed, a proportioned refund will be given.
38. The Council may at any time vary these Conditions without notice.
39. If the Consent Holder Street Trades from any Council Land he/she shall indemnify the Council from and against all loss, damage, costs, liabilities and claims whatsoever arising from its use and occupation of the land.²².
40. The Consent Holder and persons manning the stall will ensure their activities do not cause direct and permanent damage the grass and gardens and/or disturb wildlife.

Additional conditions applicable to Special Events/Markets

41. All stalls to be issued with a number that must be displayed on the stall.
42. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.
43. The consent holder must not allow the sale of offensive weapons (including imitation fire-arms, standard firearms, airguns, swords and crossbows)
44. The consent holder must not allow the sale of materials considered offensive, indecent, or considered adult in nature.
45. If the Public Conveniences are required to open beyond 17:00 a charge will be levied in accordance with the Council's fees and charges.
46. If additional Street Cleaning is required as a result of the event, a charge will be levied in accordance with the Council's fees and charges.