

Street Trading Licensing Policy

Effective from: 14 October 2024

CONTENTS

Part		Pages
1	Introduction	2 - 5
2	Designation of streets for the purpose of street trading	5 - 6
3	Applications for street trading consents	6 - 12
4	Consent conditions	12
5	Enforcement	12 - 13
6	Departure from policy	13 - 14
7	Fees and charges	14
8	Definitions	14 - 15
Appendix		Pages
A	Consent street map: Hitchin	16
B	Consent street map: Letchworth Garden City	17
C	Consent street map: Baldock	18
D	Consent street map: Royston	19
E	Standard consent conditions	20 -26
F	Schedule of streets, or parts of streets, where consent applications will ordinarily be refused	27
G	Acceptable lay-by layout for trading adjacent to an arterial road	28

1.0 INTRODUCTION

1.1 The policy

1.1.1 This document states North Hertfordshire District Council's policy on Street Trading as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4).

1.2 The objectives of this policy

1.2.1 This Policy has been adopted with view to securing the following objectives:

- (i) **to enhance the towns centres of Baldock, Hitchin, Letchworth Garden City, and Royston;**
- (ii) **to protect public health through the control of street trading within the District of North Hertfordshire;**
- (iii) **to ensure that traders operate within the law and act fairly in their dealings with the public; and**
- (iv) **to prevent nuisance, unsafe practices, and anti-social behaviour.**

1.3 The law

1.3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.

1.3.2 On 26 April 2005, the Council resolved to make all streets within the conurbations of Baldock, Hitchin, Letchworth Garden City and Royston consent streets, with the exception of any streets designated as prohibited streets. It further resolved to make arterial roads within the District of North Hertfordshire consent streets but with trading limited to lay-bys only. The resolution also stated that no street within the District shall be a licence street.

1.3.3 Street trading is defined as *"the selling or exposing or offering for sale of any article, including a living thing, in a street."*

1.3.4 Streets are further defined as *"any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990."* It is important to note that there is no reference to land ownership and so street trading legislation would also apply to privately-owned areas such as supermarket car parks, business parks, etc.

1.3.5 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:

- (i) Prohibited Streets
those which are not open to street traders;
- (ii) Consent Streets
where street trading is prohibited without local authority consent;
- (iii) Licence Streets
where trading is prohibited without a local authority licence

1.3.6 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine of up to £1000.

1.3.7 There are a number of exemptions provided in the Act that are not to be considered street trading:

- trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871
- a market trader operating at a Charter or licensed market venue within the terms of the Charter or licence
- trading at a Charter Fair
- trading as a news vendor selling only newspapers and /or periodicals
- trading at a petrol filling station
- trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business
- trading as a roundsman
- where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway
- charitable street collections authorised by the Police, Factories, etc (Miscellaneous Provisions) Act 1916.

Pedlars

1.3.8 The possession of a pedlar's certificate does not automatically exempt the holder from street trading regulation; the holder must be lawfully acting as a pedlar as defined by current case law.

1.3.9 For example:

- A pedlar should travel and trade on foot, including when arriving at the town in which they trade
- A pedlar should travel to trade and only stop when engaged by a customer, moving on when that individual customer engagement is complete¹

¹ Croydon LBC v Burdon, 2002 WL 31050323 (2002)

- Moving on means to a new location/street, not just moving a short distance between stationary periods ²
- A person who for the purpose of selling was habitually stationary for periods more than 15 minutes during which they made intermittent sales to more than one member of the public is a street trader not a pedlar ³

1.3.10 The granting of permissions for the placing of tables and chairs outside of, but away from the immediate vicinity of, a business providing refreshment, or the placing of advertising boards outside of any business, is provided for by section 115 of the Highways Act 1980. This also applies to communal seating areas in locations such as town centres.

~~1.3.10 The licensing powers provided by section 115 of the Highways Act 1980 are available to both District and County Councils in two-tier authority areas. As the legislation is designed to ensure that highways are kept free of obstructions and nuisance, the Council is of the opinion that Hertfordshire Highways, acting as the Highway Authority on behalf of Hertfordshire County Council, is best placed to administer this function.~~

~~1.3.11 The Council will not, therefore, issue any permission pursuant to section 115 of the Highways Act 1980. All applications for tables and chairs, or advertising structures, on the highway should be directed to Hertfordshire Highways.~~

Pavement licences

1.3.11 In response to the Covid-19 pandemic, Government introduced temporary powers for district councils to issue pavement licences. These relate to licences for tables and chairs adjacent to a premises providing food and/or refreshments. ~~These temporary provisions have been extended until 30 September 2023, at which time permanent legislation will be enacted to make this provision permanent.~~

~~1.3.12 The Council will liaise with the Highways Authority and the Police prior to issuing these licences however the intention is to grant and assist businesses in promoting active town centres unless there are compelling reasons not to do so. These powers have been made permanent by virtue of the Business and Planning Act 2020. A separate policy exists to detail the Council's pavement licensing process.~~

1.4 Policy duration and amendments

1.4.1 This Policy will be kept under review and amended as and when necessary to reflect changes in legislation, case law, statutory guidance, and best practice.

1.4.2 Administrative amendments to this Policy, including but not limited to, those required by virtue of legislative changes, revised statutory guidance or a

² Croydon LBC v Burdon, 2002 WL 31050323 (2002)

³ Croydon LBC v Burdon, 2002 WL 31050323 (2002)

Council restructure, may be made by the Licensing and Community Safety Manager. Amendments under this section are restricted to those required to accurately reflect the current legal or administrative position rather than amendments that change the focus of local policy.

- 1.4.3 The Policy will be periodically reviewed to ensure it remains fit-for-purpose and either amended where necessary or approved for continuation by the Licensing and Community Safety Manager in consultation with the Chair of the Licensing and Regulation Committee and the relevant Executive Member.
- 1.4.4 In the event of any significant amendment to the Policy, a full public consultation will be undertaken prior to consideration by the Licensing and Regulation Committee. For the purpose of this section, a significant amendment is defined as one that:
- will have significant financial impact on applicants, licence holders or the public; or
 - will have a significant procedural impact on applicants, licence holders, or the public; or
 - may not be perceived by the trade or the public to be consistent with the policy objectives set out in section 1.2 above.

2.0 DESIGNATION OF STREETS

2.1 Prohibited streets

- 2.1.1 It has been decided to maximise the opportunity for street trading within the four towns and, therefore, no prohibited streets are designated within North Hertfordshire.

2.2 Consent streets

- 2.2.1 All streets, with reference to the wide statutory definition in paragraph 1.3.4 above, within the main conurbations of North Hertfordshire have been collectively determined to be Consent Streets for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2.2 Maps showing the boundaries of each town as regards Consent Street status are attached in **Appendices A to D**.
- 2.2.3 Furthermore, the following arterial roads have also been designated as Consent Streets however street trading is likely to be restricted to lay-bys conforming to the layout in **Appendix G** only:
- A10, A505, A507, A602, A600
- 2.2.4 The Council will continually monitor the impact of street trading on its consent streets with a view to promoting the objectives of this policy. Whilst it is the Council's intention not to designate any prohibited streets, it is acknowledged there will be areas that are less suitable for trading than others.
- 2.2.5 To address this issue, the Council will include within this policy a schedule of streets, or parts of streets, where consent permit applications will ordinarily be

refused, save for exceptional circumstances. This schedule is attached as **Appendix F**. The schedule will be subject to amendment, as circumstances dictate, in accordance with the provisions of Part 7 of this Policy. An applicant seeking consent to trade on a street identified as one where permission will ordinarily be refused should contact the licensing team to discuss the proposed application and the reasons why the street will ordinarily be deemed unsuitable for trading.

2.3 Undesignated streets

2.3.1 All streets not explicitly included within the list of consent streets in section 2.2 above, for example those within the rural villages, have not been designated as either prohibited streets, consent streets or licence streets.

2.3.2 The regulation of street trading and, therefore, this Policy does not apply to undesignated streets.

3.0 APPLICATIONS FOR A CONSENT

3.1 Advice for New Applicants

3.1.1 New applicants are advised to contact the Council 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.

3.1.2 The Council can also provide advice in relation to other legal requirements of a new consent holder, for example, planning permission or building control approval.

3.2 Applications

3.2.1 All applications must be made on the Council's prescribed application form.

3.2.2 Each application must be accompanied by the prescribed application fee. An application will not be considered as duly made until the prescribed application fee has been received.

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

- (i) Where the proposed street 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.
- (ii) Confirmation that adequate levels of third party and public liability insurance is, or will be, in place during street trading activity.
- (iii) In the case of privately-owned land, confirmation of the landowner's consent to trade on the land.

3.3 Processing of an application

3.3.1 On receipt of the application form an acknowledgment will be sent to the applicant.

- 3.3.2 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.
- 3.3.3 The application will either be:
- granted and a trading consent will be issued with conditions attached; or
 - refused and the fee will be refunded, less an administrative charge as appropriate, to the applicant.
- 3.3.4 The Council may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 3.3.5 Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups as deemed appropriate to the application. In particular, the following organisations or persons will be consulted:
- Hertfordshire Highways
(acting as the highway authority on behalf of the County Council);
 - Hertfordshire Constabulary;
 - The Council's Environmental Health Commercial Team
(with respect to food hygiene matters); and
 - In respect of privately-owned land, the landowner
 - Where the Council deem appropriate, occupiers of adjoining land.
 - The Council's Community Safety Team
(with respect to known, or likely, anti-social behaviour issues)

Written observations from the above organisations and occupiers of adjacent properties may be taken into consideration when determining an application.

3.3.6 Applications will be determined by the Licensing Team Leader, or an authorised person acting on their behalf.

3.3. There is no statutory right of appeal to the courts against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

3.3.8 To ensure transparency and fairness, if an applicant believes a decision to refuse, or apply conditions, is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.

3.3.9 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.

3.3.10 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

3.4 Key considerations

3.4.1 The Council will normally grant a street trading consent unless, in its opinion:

- (i) 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; or
- (ii) where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
- (iii) there would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour or fumes; or
- (iv) there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; or
- (v) there is a conflict with Traffic Orders such as waiting restrictions; or
- (vi) 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; or
- (vii) the trading unit obstructs the safe passage of users of the footway or carriageway; or
- (viii) the pitch interferes with sight lines for any road users, for example at road junctions, or pedestrian crossing facilities; or
- (ix) the site does not allow the consent holder, staff and/or customers to park in a safe manner; or
- (x) 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; or
- (xi) the application relates to an area where there is, or has been, anti-social behaviour and the granting of a licence is likely to result in an increased risk of this behaviour; or
- (xii) the applicant will not be able to comply with the consent conditions included within Appendix E of this policy.

3.4.2 The Council will normally refuse an application for a street trading consent where the applicant has previously had a Consent revoked.

3.5 Consents

3.5.1 Consents may be issued for a period of up to twelve consecutive months, quarterly or weekly.

3.5.2 All Consents that have not been renewed by their expiry date will automatically cease to exist and trading must cease until such time as a new Consent has been granted.

3.5.3 To enable maximum flexibility for an applicant, any consent issued for lay-by trading will authorise the provision of trading from anywhere within the

identified lay-by as opposed to a specific location therein.

- 3.5.4 The issuing of a Consent only authorises trading in accordance with the requirements The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4). The consent holder must ensure that they comply with any other statutory provisions relating to their business.
- 3.5.5 The Council acknowledges that overly burdensome regulation and cost will discourage town centre community and cultural activity, particularly the requirement for each individual trader to obtain their own Consent. In order to encourage town centre activity, the Council have developed multiple user Consents that will simplify this process (see sections 3.6, 3.7 and 3.8).

3.6 Town centre consents

- 3.6.1 The Council will issue Town Centre Consents that cover areas of land that are suitable for street trading use. Each Town Centre Consent will be accompanied by a plan clearly identifying those areas covered by the Consent. This will remove the need for each individual trader to obtain a Consent and should encourage town centre activity.
- 3.6.2 The Consents can be issued for a maximum period of twelve months and will ordinarily be issued to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the consent.
- 3.6.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the consent is being used to facilitate street trading.
- 3.6.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow their Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the Consent by not-for-profit organisations. The charge to commercial users should not exceed the equivalent cost of obtaining a Consent directly from the Council.
- 3.6.5 Any person or organisation may apply for a Town Centre Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.6.6 The consent holder will be required to keep records of all traders that use the Town Centre Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.6.7 The consent holder will be required to keep records of all traders that are refused use of the Town Centre Consent including, date, name and company name (where appropriate), address, contact number and reason for refusal.
- 3.6.8 In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, must only make

the determination in accordance with the principles contained within paragraph 3.4.1 above.

- 3.6.9 Town Centre Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.
- 3.6.10 In the case of town centres that have a land management agreement with the Council, when an application is received directly by the Council it will consult with the town centre management to establish the best place to grant a consent that does not conflict with existing town centre activities.

3.7 Special events / markets consent

- 3.7.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Special Events / Markets Consents that facilitate multi-user street trading for markets or community events.
- 3.7.2 The consents will be issued for the duration of a specified event only and will ordinarily be to a named individual. Where the application is made by an organisation, they must nominate a named individual who will be responsible for managing the use of the Consent.
- 3.7.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the Consent at all times whilst the Consent is being used to facilitate street trading.
- 3.7.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the Consent, will be able to allow their Consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.7.5 Any person or organisation may apply for a Special Events / Markets Consent, however, in order for a Consent to be granted the Council will require proof of the landowner's permission for street trading to take place on their land.
- 3.7.6 The consent holder will be required to keep records of all traders that use the Special Events / Markets Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.7.7 Special Events / Markets Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under paragraph 3.5 above.

3.8 Council land consents

- 3.8.1 In order to remove the requirement for each individual trader to obtain their own consent, the Council will issue Council Land Consents that facilitate multi-user street trading on Council owned land.
- 3.8.2 The consents will be issued for the duration of a specified event only and will ordinarily be to a named individual. Where the application is made by an

organisation, they must nominate a named individual who will be responsible for managing the use of the consent.

- 3.8.3 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.
- 3.8.4 The consent holder, or in the case of organisations the individual nominated to manage the use of the consent, will be able to allow their consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.8.5 The consent holder will be required to keep records of all traders that use the Council Land Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration and contact telephone number.
- 3.8.6 Any person or organisation may apply for a Council Land Consent, however, in order for a Consent to be granted the Council will require the applicant to obtain a land licence through the Council's Safety Advisory Group.
- 3.8.7 No separate application will be required for a Council Land Consent provided an application for a land licence has been made. The issuing of a land licence by the Council encompasses a Council Land Consent for the purposes of street trading.
- 3.8.8 Council Land Consents do not provide exclusive control over trading in the designated area. Traders are still able to apply direct to the Council for an individual consent for that area under section 3.5 above.

3.9 Annual consents with quarterly payments

- 3.9.1 The Council acknowledge that the cost of an annual Consent can sometimes prove prohibitive to new and small street trading businesses, particularly food and drink vendors in lay-bys.
- 3.9.2 To assist such commercial activity the Council will offer the grant of a twelve-month Consent, subject to quarterly fee payments in advance.
- 3.9.3 Each Consent will be issued for a twelve calendar month period upon the payment of the initial quarterly fee. Provided that the subsequent quarterly fees are paid prior to the due date, the Consent will remain until such time as the total consent period has reached twelve consecutive calendar months.
- 3.9.4 Once a consent period of twelve consecutive calendar months has been reached, a renewal application will be required which will be subject to the normal consultation process.
- 3.9.5 If the requirements of paragraph 3.9.3 above are not complied with, the annual Consent will automatically cease to have effect, save for exceptional circumstances at the Council's discretion, and no further trading in connection with that Consent will be permitted until such time as a new Consent has been granted.

- 3.9.6 To ensure continuity of trade, applicants are encouraged to sign a direct debit mandate so that each quarterly payment is made in accordance with paragraph 3.9.3.

4.0 CONSENT CONDITIONS

- 4.1 Any Street Trading Consent issued by the Council will be subject to the consent conditions detailed in **Appendix E** of this Policy.
- 4.2 In response to changing circumstances, the Council may wish to add, alter, or amend the conditions on a trading Consent. Any amendments or variations to Consents or 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.
- 4.3 The Licensing and Community Safety Manager is authorised to add, alter or amend the conditions added to a Consent based on the individual circumstances of each application.
- 4.4 There is no right of appeal against the Council's decision to refuse to grant, amend, vary, or revoke a Consent.
- 4.5 In the event of a breach of any of the conditions attached to a Consent, the Licensing and Community Safety Manager (or any other officer to whom this authority has been delegated) may revoke the consent forthwith. In the event of a revocation, the Council will not be liable to pay any compensation arising from the revocation nor will the Consent Holder be entitled to a refund of any of the Consent fee.
- 4.6 Prior to the revocation of a Consent, the facts relating to the proposed revocation will be set out by the Council and sent to the consent holder. The consent holder may then submit written representation stating any mitigating circumstances and/or reasoning why the Consent should not be revoked. Any representation submitted by the consent holder will be considered as part of the decision whether or not to revoke the Consent.

5.0 ENFORCEMENT

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also responsible members of the trade.
- 5.2 In pursuing its objectives of detailed in this Policy, the Council will operate a proportionate enforcement regime in accordance with the Council's Statement of Enforcement Policy and Practice.

5.3 The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. It remains the case that an obstruction of the Highway is an offence under The Highways Act 1980 and may be dealt with by the Highways Authority or the Police.

Breach of conditions

5.4 If a licence condition is breached, the Council will be able to:

- issue a notice requiring the breach to be remedied, or
- take formal enforcement action

depending on the nature of the breach.

5.5 If the licence holder fails to adhere to the notice, the Council may:

- revoke the licence, or
- take formal enforcement action

Revocation

5.6 The Council may revoke a licence in the following circumstances:

- if it considers that the highway is no longer suitable for the use as granted by the licence
- if there is evidence that this use of the highway is causing an unacceptable obstruction, or failing to meet the licensing objectives of this policy
- if there is evidence that the use is causing, or risks causing, anti-social behaviour or public nuisance
- it comes to light that the applicant provided false or misleading statements in their application
- failure to rectify a breach of licence

5.7 When a licence is revoked, the Council will give full reasons for the revocation.

5.8 The decision to revoke a licence will be made by the Licensing Team Leader or an authorised officer acting on their behalf.

5.9 There is no statutory right of appeal to the courts against a decision to revoke a licence.

5.10 To ensure transparency and fairness, if an applicant believes a decision to revoke is not consistent with this policy, they can submit a written representation to the Licensing and Community Safety Manager.

5.11 The representation must be received within fourteen (14) calendar days of being notified of the refusal and contain the reasons why the decision should be reviewed.

5.12 The Licensing and Community Safety Manager will review the decision, and notify the applicant of the outcome, within twenty-eight (28) calendar days of receipt of the representation.

6.0 DEPARTURE FROM POLICY

6.1 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.

- 6.2 Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits with regard to the licensing objectives. However, it is likely that departures from policy will be restricted to exceptional circumstances, not used to circumvent the reasonable requirements of the Policy.

Substantial departure from Policy

- 6.3 Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons for doing so will be given. The Licensing and Community Safety Manager may authorise a departure from the Policy in accordance with this section if they consider it necessary in the specific circumstances and will advise Councillors via the Members Information Service (MIS).

Minor departure from Policy

- 6.4 Where an applicant is able to demonstrate that a minor departure from this Policy, based on the individual circumstances of that application, would still ensure that the policy objectives are achieved, the Licensing and Community Safety Manager may authorise a Consent to be issued.

7.0 FEES AND CHARGES

- 7.1 The fees charged by the Council for Consents to trade should cover the reasonable cost of administering and enforcing the service.
- 7.2 The fees will be reviewed at least on an annual basis and published on the Council's website. The relevant Service Director –~~Legal & Community~~ is authorised to set street trading fees on behalf of the Council.
- 7.3 Should the consent holder wish to vary the Consent at any time during the life of the Consent, an administration fee will be charged. This includes the transfer of a Consent.
- 7.4 Where a trading consent is surrendered during the life of the Consent no refund will be made by the Council.
- 7.5 At its absolute discretion the Council may charge different fees for consents that are for different durations or locations, such as a pro rata rate for occasional consents or concessionary consents in certain circumstances.
- 7.6 Not-for-profit organisations will be exempt from application fees.

8.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	an officer of the Council authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Consent a consent to trade on a street granted by the Council, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

Consent Holder the person or company to whom the consent to trade has been granted by the Council.

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

Council means North Hertfordshire District Council

the Licensing and Community Safety Manager the current post holder (or the appropriate Service Manager following any subsequent restructure), or any nominated

Deputy authorised by the Council's Scheme of Delegation

the Licensing Team Leader the current post holder (or the appropriate officer following any subsequent restructure), or any nominated Deputy authorised by the Council's Scheme of Delegation

the relevant Executive Member the Elected Member responsible for Licensing who is a member of Cabinet

the relevant Service Director the Service Director responsible for Licensing

Street includes:

any road, footway, beach or other area to which the public have access without payment; and

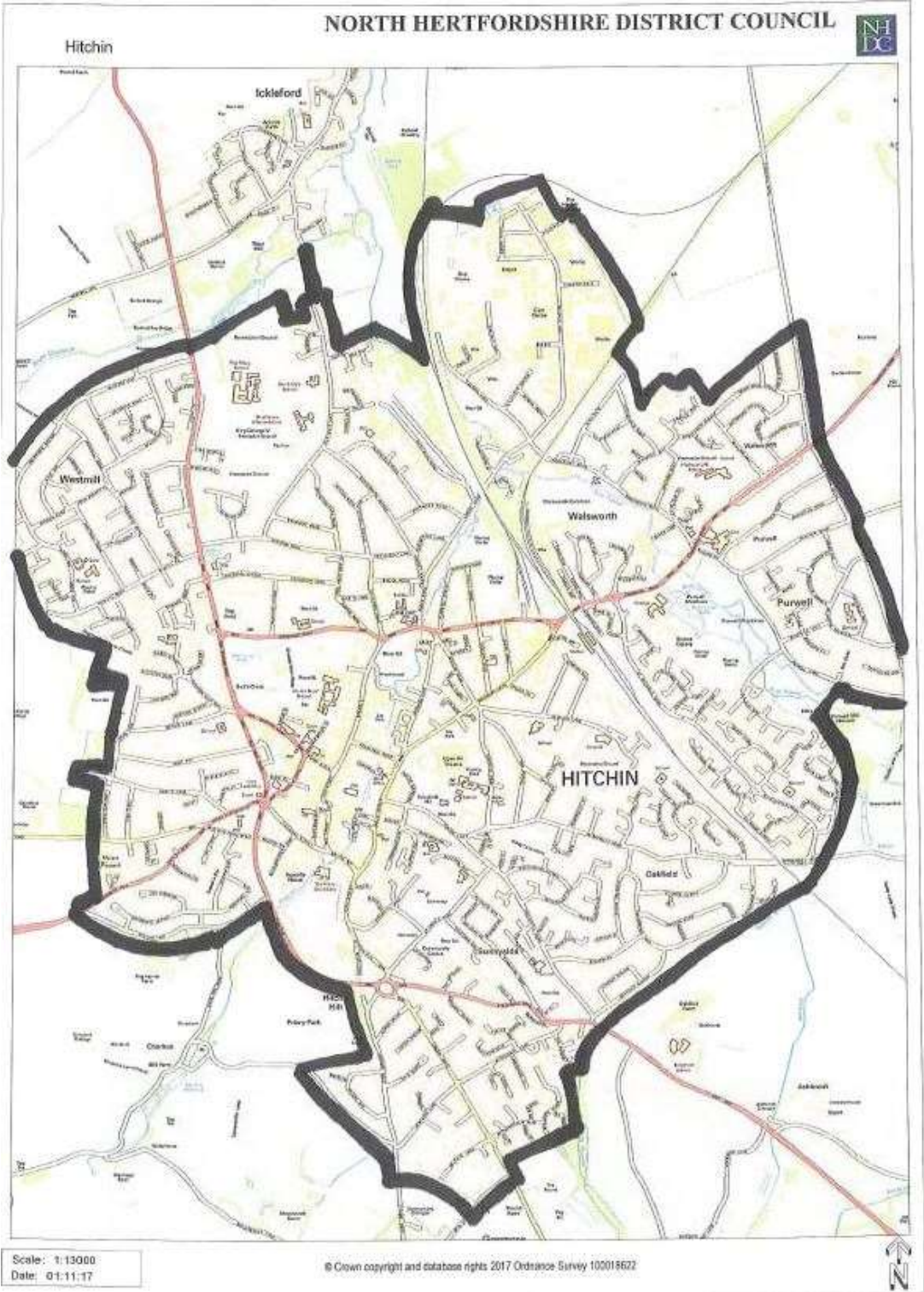
A service area as defined in section 329 of the Highways Act 1980,

and also includes any part of a street.

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

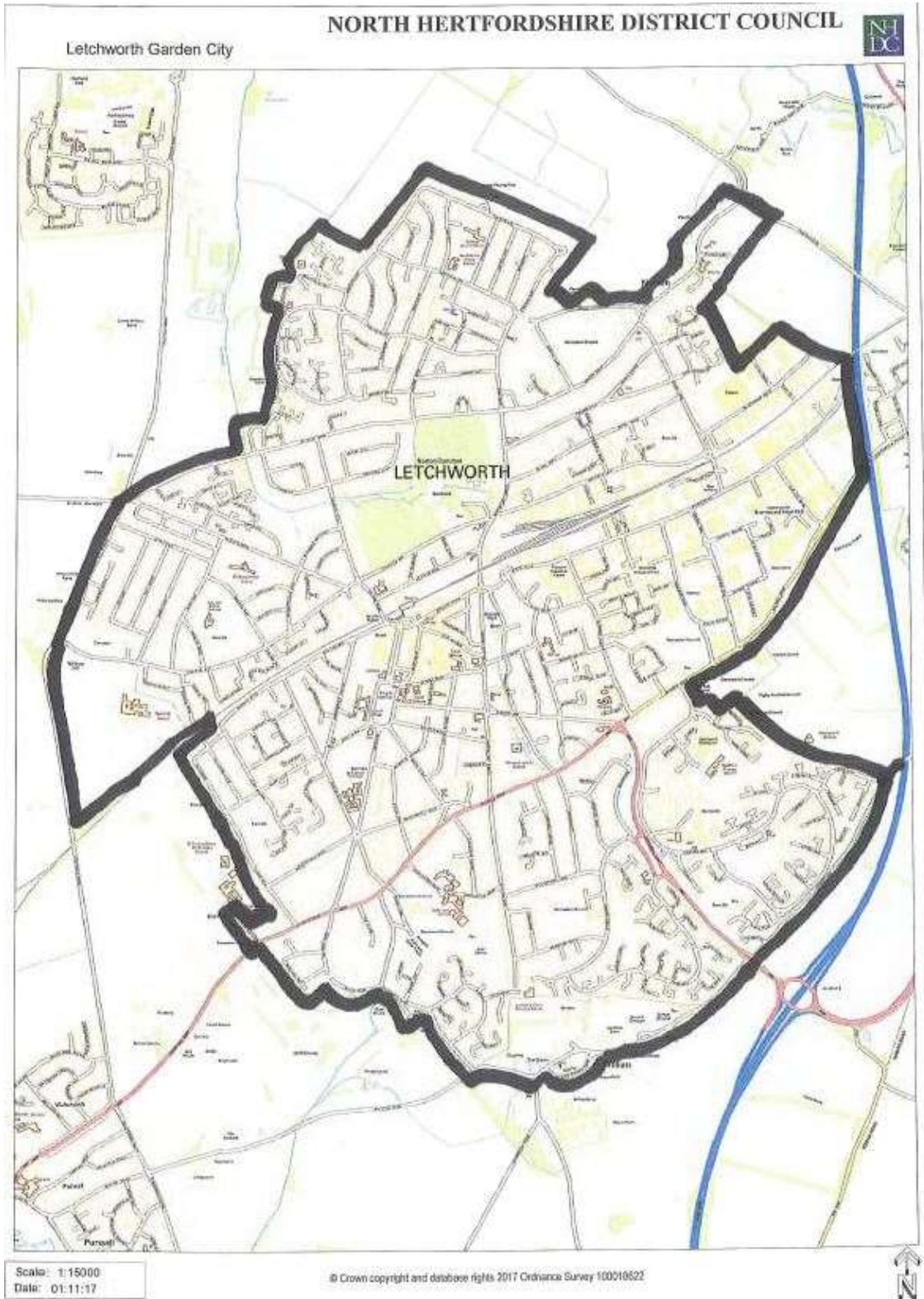
APPENDIX A

CONSENT STREET MAP: HITCHIN



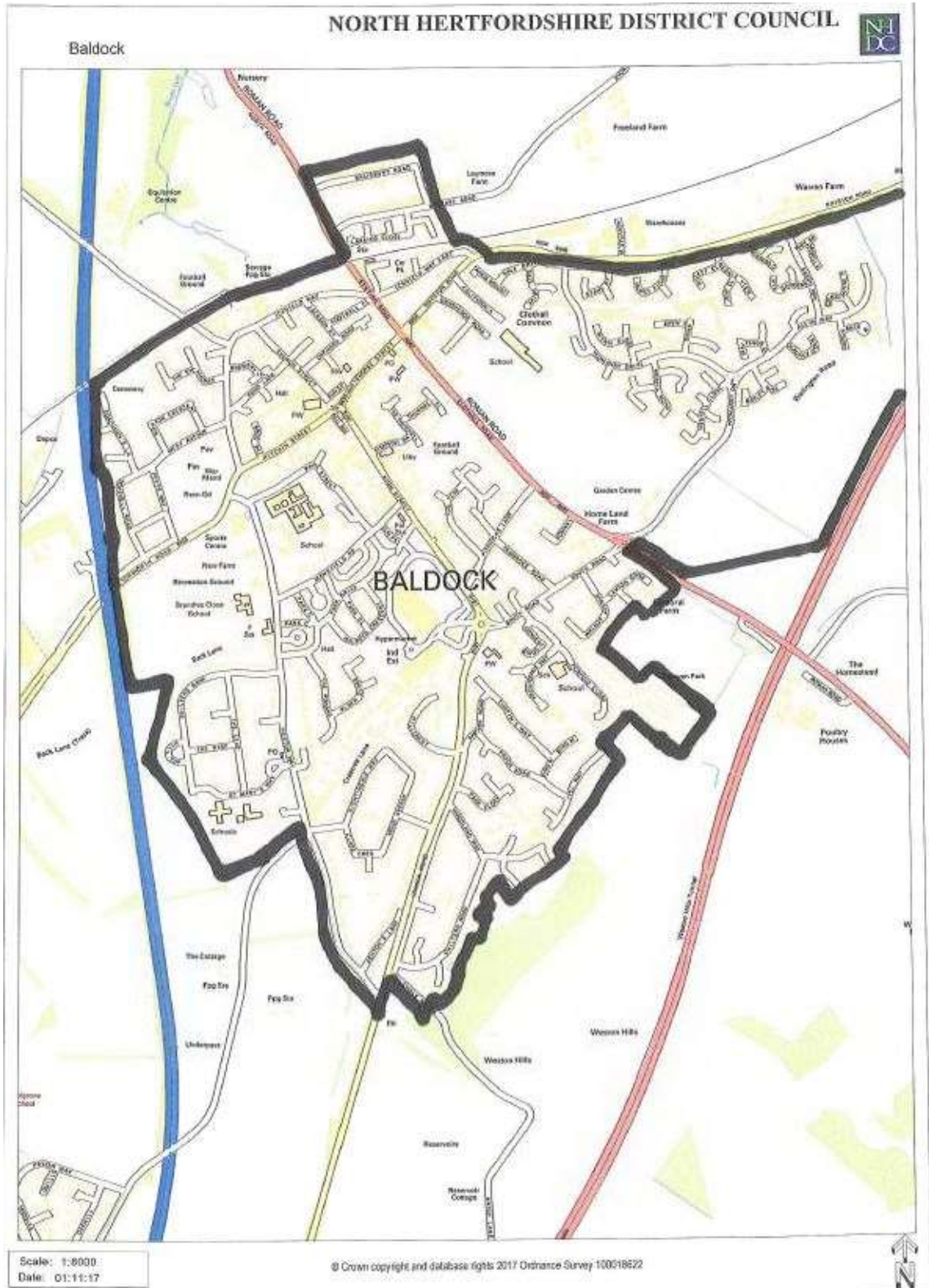
APPENDIX B

CONSENT STREET MAP: LETCHWORTH GARDEN CITY



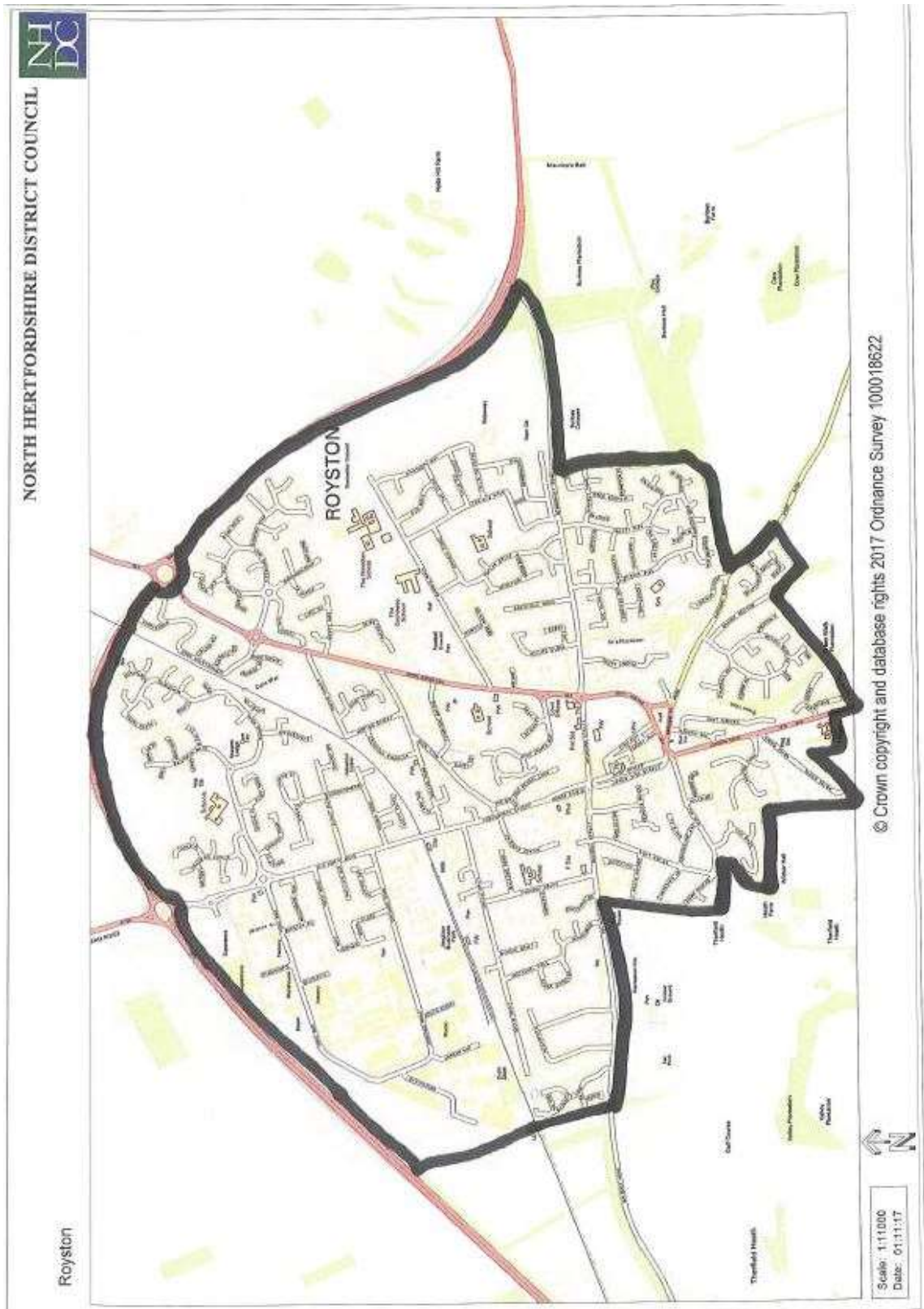
APPENDIX C

CONSENT STREET MAP: BALDOCK



APPENDIX D

CONSENT STREET MAP: ROYSTON



APPENDIX E

STREET TRADING CONSENT CONDITIONS

Standard conditions applicable to all consents

1. The Consent granted by the Council is personal to the Consent Holder.
2. The Consent may only be transferred to another person or body with the prior written consent of the Licensing and Community Safety Manager (or any other officer authorised to act in their absence).
3. Any van, vehicle, barrow, cart, or stall must be maintained in a neat, tidy and safe condition.
4. The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only at the specified location during the permitted hours.
5. Unless specified otherwise in the Consent, the van, vehicle, barrow, cart or stall, including any permitted temporary furniture and advertising, shall be removed from the Consent site, including the street in which the consent site is located, at the end of each day's trading.
6. Any temporary furniture (for example, tables and chairs at food vending vans) or temporary advertising material (such as 'A' boards or other signage) will only be permitted at, or in the vicinity of, the van, vehicle, barrow, cart or stall if specified on the Consent.
7. The Consent Holder shall ensure that no advertisements relating to the activities permitted by the Consent are placed or affixed to any structures on the highway or highway land (including street furniture, road signs and grass verges). Any advertisement on private land must have permission from the landowner, proof of which must be provided to the Council in writing prior to the advertising being positioned.
8. The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public.
Particular regard shall be given to persons with disabilities when ensuring no obstruction is caused.
9. 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 re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.
10. The Consent Holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition at all times including the removal of all litter associated with the street trading from

the immediate vicinity of the consent site, with vicinity being given its ordinary meaning based on the specific location of each consent site.

11. The Environmental Protection Act 1990 places a duty of care on individuals and businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure that refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of each day's trading. No water or waste material shall be discharged on to the highway or any adjacent property.
12. The Council may remove and store or dispose of any furniture, equipment, advertisement, or other structure placed on the street by the Consent Holder, or any person acting on behalf of the Consent Holder, that is not authorised by the Consent or has not been authorised in writing by the Council. The Council shall not be responsible to the Consent Holder for the safe keeping of any furniture, equipment, advertisement, or other structure and may levy reasonable charges for the removal, storage and/or disposal thereof.
13. A copy of the Consent must be carried by the Consent Holder, or any person acting on behalf of the Consent Holder, at all times whilst trading and must be produced on demand when required by a Police Officer or an Authorised Officer of the Council.
14. The Consent Holder shall display a suitable sign stating his or her name and trade. The sign must be approved in writing by an Authorised Officer of the Council.
15. The Consent Holder and their employees or assistants shall wear suitable clothes appertaining to the trading undertaken and maintain a professional appearance at all times.
16. The Consent Holder shall notify the Licensing and Community Safety Manager in writing at North Hertfordshire District Council, PO Box 10613, Nottingham, NG6 6DW of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent.
17. The Consent Holder 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.
18. The Consent Holder must take adequate precautions to prevent the risk of fire at the van, vehicle, barrow, cart, or stall. All hot food vendors are required to comply with current fire safety legislation. Where gas cylinders are used, an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment.
19. A serviceable fire blanket and foam fire extinguisher shall be provided at all vans, vehicles, barrows, carts, or stalls selling hot food.
20. All hot food vans, vehicles, barrows, carts, or stalls are required to carry a basic first aid kit. The Consent Holder and hot food vendors should know how to give first aid to treat victims of cuts and burns. All hot food vans, vehicles, barrows, carts or stalls should have access to a minimum of one mobile telephone that must be serviceable at all times whilst trading.

21. In the case of food vending vans, vehicles, barrows, carts, or stalls, at least one person involved in the preparation and sale of food must hold a current Level 2 food safety certificate accredited by the Chartered Institute of Environmental Health, or an equivalent qualification, and must be present at the site during all trading hours.
22. With the exception of Town Centre Consents, Special Events / Markets Consents and Council Land Consents, the Consent Holder must be the principal trader and have day to day control of the van, vehicle, barrow, cart or stall. The Consent Holder may employ any other person to assist in operating the van, vehicle, barrow, cart or stall and shall notify the Council of the name and address of such persons. Anyone who operates a van, vehicle, barrow, cart or stall other than the Consent Holder must be authorised in writing by the Council. An administrative fee will be payable for such authorisations.
23. The Consent Holder shall permit the Council, or any other statutory body, to have access to the area designated within a Consent at any time without notice for any purpose whatsoever including, but not limited to, carrying out works to the highway or private land, or inspecting the same, or otherwise.
24. The Council may revoke the Consent at any time.
25. The Consent Holder will return the Consent to the Council immediately upon revocation or surrender.
26. In the event of the Consent being surrendered or revoked before the expiry date, no refunds will be given.
27. Upon the termination or revocation of the Consent, the consent holder shall immediately remove the vehicle, barrow, cart, stall or any other associated equipment from the consent site and ensure the consent site is free from any associated litter or other deposits.
28. Any consent holder wishing to sell hot food or drink after 23:00hrs must also hold a valid premises licence issued under the Licensing Act 2003 authorising the sale of late night refreshment at the consent site.
29. The Council may at any time vary these Conditions without notice.

Additional conditions for static pitches

1. Any van, vehicle, barrow, cart, or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.
2. Nothing contained herein shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

Additional conditions for static pitches selling food or displaying animals

1. Any trader selling food must be registered as a food business with the relevant local authority (place where van, vehicle, barrow, cart is stored overnight) and

provide evidence of such registration.

2. Food handlers serving high risk, open foods⁴ shall be suitably trained in food hygiene matters to Level 2 in Food Hygiene & Safety.
3. The van, vehicle, barrow, cart or stall must have a means to wash hands hygienically. In practice they must have a suitable wash hand basin supplied with hot and cold potable water, liquid soap and hygienic hand drying facilities.
4. Surfaces in contact with food are to be in a sound condition and be easy to clean and, where necessary, disinfect. This will require the use of smooth, washable, corrosion-resistant, and non-toxic materials.
5. Adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (solid and/or liquid) must be available. Used water and waste products must be contained until suitable methods for disposal are available.
6. Traders using portable gas appliances must have a current Gas Safe Certificate from a competent person.
7. Traders that bring live animals capable of E. coli 0157 bacteria transmission must provide the following information and obtain consent for the use of said animals prior to the animals being displayed under this Consent.

Additional conditions for town centre consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Town Centre Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Town Centre Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Town Centre Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number
5. The Consent Holder must keep records of each stallholder that is refused use of the Town Centre Consent, to include:

⁴ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

- date of proposed use;
 - location of proposed stall;
 - name and company/organisation name;
 - trader's home address;
 - trader's contact telephone number; and
 - reason for refusal
6. In determining whether to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder must make their determination in accordance with the principles contained within paragraph 3.4 of the Street Trading Policy.

Additional conditions for town centre consents or special events / markets consents selling food or displaying animals

These conditions relate to regular events (such as weekly markets, other than Charter Markets) and specific events (such as Food Festivals, specialist markets, and other similar supported events).

1. For regular events, the Consent Holder must provide to the Council's Environmental Health Officer, trader information for high risk, open food⁵ traders upon the initial application and renewal of each Consent. New trader information must be received by the Council's Environmental Health Officer before they begin to trade at the regular events unless provided as part of an application for grant or renewal. Information provided to the Council's Environmental Health Officer must include:
 - name of food trader
 - registered name of food business
 - full registered address of food business
 - food hygiene rating and date awarded
 - type of food sold
 - inspecting authority

2. For specific or supported events, the Consent Holder must provide to the Council's Environmental Health Officer, trader information for high risk, open food⁶ traders no later than four (4) weeks prior to the commencement of the event. Information must include:
 - name of food trader
 - registered name of food business
 - full registered address of food business
 - food hygiene rating and date awarded
 - type of food sold
 - inspecting authority

⁵ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

⁶ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

Where high-risk, open food traders ⁷ intend to trade using a Town Centre or Special Events/Markets Consent but register less than four (4) weeks prior to the event, the trader must provide the required information immediately upon receipt of registration.

3. Traders that bring live animals capable of E. coli 0157 bacteria transmission, these traders must provide the Consent Holder with the following information:
 - name of trader
 - trading name of business
 - full address of business
 - suitable and sufficient risk assessment that manages E. coli 0157 hazard

Before permitting the use of live animals at an event utilising a Consent, the Consent Holder must assess the controls in the risk assessment and determine their suitability. Through the course of the event, the Consent Holder must ensure that the control measures in the risk assessment are implemented.

All information required to comply with this condition must be provided to the Council's Environmental Health Officer via env.health@north-herts.gov.uk no later than four (4) weeks prior to animals being provided at events utilising a Consent.

4. Whilst traders operate in accordance with a Town Centre or Special Events/Markets Consent, the Consent Holder must ensure that traders serving high-risk, open food ⁸ and/or displaying live animals must:
 - have a means to wash hands hygienically. In practice, they must have a suitable wash hand basin supplied with hot and cold potable water, soap, and hygienic hand drying facilities. Where traders are not able to ensure person hygiene through the provision of adequate hand wash facilities, the Consent Holder must take steps to stop the trader from operating
 - have adequate arrangements and/or facilities for the hygienic storage and disposal of hazardous and/or inedible substances and waste (solid and liquid) to be available. Used water and waste products must be contained until suitable methods for disposal are available.
5. Traders using portable gas appliances must have a current Gas Safe Certificate from a competent person.

Additional conditions for special events / markets consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Special Event / Market Consent by organisations, businesses or individuals using the Consent for commercial purposes.

⁷ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

⁸ foods that are ready to eat, perishable and handled, made or assembled by persons staffing the business

3. The Consent Holder may not make any charge for the use of a Special Event / Market Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Special Event / Market Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

Additional conditions for council land consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.
2. The Consent Holder may make a reasonable charge for the use of a Council Land Consent by organisations, businesses or individuals using the Consent for commercial purposes.
3. The Consent Holder may not make any charge for the use of a Council Land Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes.
4. The Consent Holder must keep records of each stallholder that uses the Council Land Consent, to include:
 - date of use;
 - location of stall and/or pitch number;
 - name and company/organisation name;
 - trader's home address;
 - trader's vehicle registration; and
 - trader's contact telephone number

APPENDIX F

SCHEDULE OF STREETS, OR PARTS OF STREETS, WHERE CONSENT PERMIT APPLICATIONS WILL ORDINARILY BE REFUSED

1.0 Baldock

- Old slip road off South Road at the roundabout with London Road

2.0 Hitchin

None

3.0 Letchworth Garden City

- Arena Parade
- Gernon Road
- Station Road
- A505 (Letchworth Gate) from the junction with the A1 (Junction 9) to the junction with the A505 (Pixmore Way / Baldock Road roundabout)
- Norton Way South between the junctions with Gernon Road and Station Road
- Rushby Mead between the junctions with Birdshill and Hillshott

4.0 Royston

None

5.0 Arterial Roads

All arterial roads with the exception of designated lay-bys with raised kerbing separating the lay-by from the carriageway (see Appendix G).

APPENDIX G

ACCEPTABLE LAY-BY LAYOUT FOR TRADING ADJACENT TO AN ARTERIAL ROAD

