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Introduction

This document sets out the [DRAFT] Elmbridge Borough Council Policy on Street Trading, (hereafter referred to as ‘the policy’) which is being introduced on XXXXX. The policy will be reviewed and updated after 12 months of introduction, and at relevant intervals (5 years) to reflect any material changes that may occur.

1 Purpose of the Policy

1.1 This policy sets out the framework for the management of street trading in Elmbridge. The street trading scheme will enable the Council to regulate the location and number of street traders. The scheme aims to prevent the obstruction of the streets of Elmbridge by street trading activities. We recognise 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 in the area. The scheme and its associated conditions aim to ensure local business and communities are not adversely affected by street trading.

1.2 This policy document will be considered as part of the Licensing Authority approval process when it considers applications for Street Trading Consents. Operators as part of the application process will be encouraged to consider the document and make reference to it. This document will be used by the authority to make decisions.

1.3 Elmbridge will endeavour to work with other agencies and partners to ensure their views are considered as part of any street trading application or renewal.

1.4 Each application for grant or renewal of street trading consent will be considered on its merits, and the council may impose such conditions as deemed appropriate in the individual case, including; to prevent obstruction of the street or danger to persons using it or nuisance or annoyance (whether to persons using the street or otherwise).

2 Consultation

2.1 In determining this policy, the Council has / will consult(ed) the following people and bodies:

- Surrey Police
- Surrey Fire and Rescue Service
- Surrey County Council Highways
- Licensing Committee
- Ward members
- Heart Centre Manager
- Local Market trading associations (Thames Ditton, Cobham etc)
- Elmbridge Business Group
- Elmbridge Chamber of commerce.
- All current street traders we are aware of as of XX/XX/2018
- Economic Development - Organisational development - Elmbridge
- The general public

2.2 We have also consulted with relevant departments within Elmbridge.

2.3 We have considered and taken into account the relevant views of all the appropriate bodies and organisations.
3 **Review of the Policy**

3.1 This policy will be initially reviewed in advance of the 1 year anniversary and thereafter reviewed every Five years. At the time of the review, we will again consult all interested parties. As well as the five-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the Licensing Committee or Officers under delegated powers.

4 **Legislation and current provision**

4.1 The Council in 2018 resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as ‘consent streets’, ‘licence streets’ or ‘prohibited streets’.

‘Street Trading’ is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:

(a) Trading as a pedlar 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 as a news vendor.

(d) Trading at or adjoining a shop premises as part of the business of the shop.

(e) Offering or selling things as a roundsman.

Schedule 4 defines a street as 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.

A **Consent street** is a street in which street trading can only take place if the consent of the local authority has first been obtained.

**Prohibited streets** are streets where no street trading may take place at all. 6 roads identified are identified where street trading is prohibited:

- A245 (Byfleet Road) from the Painshill roundabout to the junction with Brooklands Road
- A244 (Warren lane), Oxshott - all along its entire length
- Copsem Lane, Esher - all along its entire length
- Claremont Lane, Esher - all along its entire length
- A309 (Hampton Court Way) all along its entire length
- A307 (Portsmouth Road, Esher) from the Scilly Isles to Fairmile Lane

**Nothing within this policy will allow street trading to occur on the prohibited roads above.**

All remaining streets in the Elmbridge area are (WILL BE) designated as consent streets.
Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will also require a separate Premises Licence under the Licensing Act 2003. This is separate to, and not covered by this street trading policy.

5 **The Licensing Process and Delegation of Functions**

5.1 Elmbridge aims to provide a clear, consistent licensing service for service users including applicants for street trading consents. At the same time, the policy aims to protect the safety of highway users and to prevent nuisance or annoyance.

5.2 Delegation is laid out in the Council’s Constitution in relation to street trading. Committee can delegate decision making to Officers, and it is (proposed this should be) delegated to Head of Service for decision.

Officers will prepare reviews of the policy and fees in accordance with the time frame listed above. Minor changes can be agreed by Head of Service, (following consultation with the Chair of licencing Committee). Where the amendments are considered significant (in terms of content or may be perceived as controversial), then they will be brought to the Licensing Committee for consideration.

Under delegation officers can issue Street Trading Consents and to attach such conditions as are necessary under the Local Government (Miscellaneous Provisions) Act 1982;

Revoke an existing consent or refuse any application for a Consent that:
(i) in the opinion of the Environmental Health and Licensing Manager / Relevant Principal Officer does not comply with the Council’s conditions and policies;
(ii) where there are relevant objections from any of the following consultees; (Police, Fire or Highways on the grounds of Public or Highway safety);

Contested matters such as refusal to grant, renew a consent or revoke a consent are to be referred to Licensing Committee for decision. This may occur when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year, and the trader disputes the validity of the complaint.

The Head of Service can suspend a Consent for a period of up to 28 days pending referral to the Licensing Committee: where serious food safety issues are found.

**New Applications for a Street Trading Consent**

5.3 An application for Street Trading Consent must be made to the Council using the online form [Create link here] or in writing. The following will be required to be submitted with the application:

(a) A completed and signed Street Trading Consent Application Form.

(b) The application fee. [Create link to fees and charges Doc]

(c) 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.
(d) A5 size colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity.

(e) Dimensions of the vehicle (metres)

- Length
- Height
- Width

(f) A certificate of Public Liability Insurance that covers the street trading activity for third party and public liability risks. The minimum insurance cover shall be £5,000,000.

The Street Trader shall fully indemnify the Council against all losses, costs, expenses, proceedings, damages or claims attributable to or arising out of the trading activities.

The Street Trader shall effect Public and Products Liability Insurance with a minimum indemnity limit of not less than £5m (five million pounds) in respect of any one incident.

The Council’s interest must be noted in the Policy and the Insurance must indemnify the Council in respect of any liability that the Council may incur for personal injury or damage to property, sustained as a result of the trading activities.

Written confirmation of this insurance cover, to include the following information, is required on Insurer or Broker headed paper prior to the trading activities commencing:

- The Insurer
- The Policyholder
- The Policy Number
- Period of insurance cover
- The types of insurance cover including indemnity limits
- Any significant exclusions to the insurance cover

(g) If handling food – copy of a current Level 2 Award in Food Safety in Catering certificate for all food handlers (Training certificate issued within the last 3 years).

(h) Proof of a valid Waste Transfer Contract in place for commercial waste.

(i) Proof of the applicant’s and any prospective employee’s right to work in the UK.

(j) Current valid gas safety certificate for the vehicle or stall if applicable.

(k) A current Disclosure and Barring Service (DBS) check for all persons who will be working from the mobile unit.

5.4 Street Trading Consents are issued for a period of up to one year and renewed annually for the period 1 April to 31 March, unless granted for a reduced period.

5.5 Before a Street Trading Consent is granted or refused the Council will carry out a consultation process with various persons and groups. In particular the following organisations or persons are consulted:

- Surrey County Council Highways
- Surrey Police
• Ward Councillors
• Planning
• Environmental Health and Licensing
• Elmbridge parking enforcement (?)
• Surrey Fire and Rescue (?)

Written observations from the above organisations will be sought and taken into consideration when determining an application. The consultation period will be 28 days.

5.6 Street Trading Consents will not normally be granted where:

- 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.
- 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 pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities.
- The supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 within 200 metres of the boundary of a school or college.

5.7 In the absence of representations, the application will be referred to either the Environmental Health and Licensing Manager / Principal EHO (Food and Safety) or Principal Licensing Officer, who will use the criteria listed below to make their determination of the application, with equal weight applied to the criteria listed. Each case will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration. When there are representations, the Environmental Health and Licencing Manager or Head of Environmental Services acting under delegated powers may refuse an application.

5.8 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. Factors taken into account will include: 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. Traders will conduct themselves in a professional manner.

(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 and/or odour particularly in residential areas.

(d) Appearance of the stall or vehicle
The stall or vehicle must be maintained in good condition smart appearance and meet criteria, including size, laid down in the standard Consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications and requests for
approval of changes to or replacement of a stall or vehicle. The general appearance of the vehicle or stall will also be considered in order to determine that the unit will not detract from the appearance of the surrounding area.

(e) Needs of the Area
The demand for the articles for sale, and the geographical location of the proposed site. Where similar items are offered by traders from fixed premises in the locality it is unlikely consent will be granted if business exist within 200 metres. Applicants will need to clearly specify what their proposed offer will be.

(f) Environmental Credentials
The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste generated by customers. Provision of adequate measures to minimise the environmental impact of the proposed operation.

(g) Food Traders
Applicants to trade in hot or cold food must be able to demonstrate a good understanding of food safety and be registered as a food business with the relevant local authority. As a minimum, food handlers must hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. For the purposes of obtaining a Trading Consent it is required for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less then 3 will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met - the business that demonstrates the highest compliance with the Food Hygiene rating Scheme award is likely to be selected.

(g)(a) Healthy eating choices.

Traders offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – Healthy eating scheme would be looked on favourably. Where more then one trader is seeking to operate from the same pitch, and all other criteria has been met- the business that demonstrates the highest compliance with the EOEW award is likely to be selected.

(h) Highway
The location and operating times will be such that the highway can be maintained in accordance with the Surrey 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.

The trader must relinquish the right to trade when required by SCC or other relevant body or organisation in order to allow maintenance repair to occur.

5.9 There is no statutory right of appeal against refusal to issue a Consent.

Peripatetic Street Trading

5.10 Street traders that meet the conditions below will be classed as peripatetic. Ice cream vans and mobile sandwich sellers would typically be deemed to be peripatetic street traders.

5.11 Traders must meet all of the below conditions to be classed as peripatetic:

• move from location to location
• move at least 50 metres from the last trading location and do not return to that location within four hours
• do not wait in one location for more than twenty minutes
• do not trade within 200 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment).

Renewal Applications for a Street Trading Consent

5.12 Street Trading Consents are renewed annually for the period 1 April to 31 March. A renewal application for Street Trading Consent must be made to the Council by 1 February. The following will be required to be submitted with the application:

(a) A completed and signed Street Trading Consent Application Form.

(b) The full application fee as appropriate.

(c) A certificate of Public Liability Insurance that covers the street trading activity The Street Trader shall fully indemnify the Council against all losses, costs, expenses, proceedings, damages or claims attributable to or arising out of the trading activities.

The Street Trader shall effect Public and Products Liability Insurance with a minimum indemnity limit of not less than £5m (five million pounds) in respect of any one incident.

The Council’s interest must be noted in the Policy and the Insurance must indemnify the Council in respect of any liability that the Council may incur for personal injury or damage to property, sustained as a result of the trading activities.

Written confirmation of this insurance cover, to include the following information, is required on Insurer or Broker headed paper prior to the trading activities commencing:

− The Insurer
− The Policyholder
− The Policy Number
− Period of insurance cover
− The types of insurance cover including indemnity limits
− Any significant exclusions to the insurance cover

(d) If handling food – copy of a current Level 2 Award in Food Safety in Catering certificate for all food handlers (Training certificate issued within the last 3 years).

(e) Proof of the applicants and any prospective employees right to work in the UK.

(f) A gas safety certificate for the vehicle or stall if applicable.

(g) A licensed waste carrier agreement.

(h) A current Disclosure and Barring Service (DBS) check for all persons who will be working from the mobile unit.

5.14 At this renewal time, the Council may (will?) consult further to determine if the street trader is a cause for concern or has been the subject of substantiated complaints.

5.15 If a renewal application is not made before the expiry of the current licence, a full new application will have to be made. The effect of this will be that a trader will not be permitted to trade until the new Consent is issued.
5.16 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.

5.17 Where a renewal application has been made and there have been significant complaints or enforcement issues or fees have not been paid on time, then the application will be refused. Where refusal is disputed it will be referred to the Licensing Committee for consideration and determination.

Vacant Sites

5.18 In the event of a Consent being revoked, surrendered or not renewed the Council will advertise vacant sites on the Council’s website for 28 days. The applications will be considered by Environmental Health and Licensing Manager / Principal Environmental Health Officer Food and Safety who will use the criteria listed at paragraph 5.8 of this policy to make their recommendations for determination of who to award the vacant site to. Where more then one application meets the criteria, it is referred to Head of Service for decision, or referral to Licensing committee as deemed appropriate.

Transfers

5.18 A Street Trading Consent cannot be transferred or sold to another person. However, the Consent may be transferred to a member of the Consent Holder’s immediate family in the event of the Consent Holder’s death or incapacity on payment of a fee.

5.19 The sub-letting of a pitch is prohibited. Where sub-letting is identified the consent will be withdrawn from the original applicant, and the pitch will be advertised as vacant. No right to claim a refund for the period remaining on the license will be accepted.

6 Markets

6.1 The monthly or seasonal markets that occur on private land, are outside the scope of the street trading scheme. Where markets on the highway are proposed – then see special events below.

7 Special Events

7.1 For events such as Christmas or Street Markets or Continental Markets, that occur for a limited time, the Council will accept one application (and associated fee) from the person organising the event. The ‘Event Street Trading Application will require full details of each trader attending the event. This policy is aimed at promoting events and encouraging traders to attend.

7.2 Street trading fees for stalls at charitable or small community events may be waived. Street trading is considered to be for charity benefit if the profits from individual stalls/units are donated to charity, (and proof can be evidenced on request). These stalls/units would be exempt from Street Trading fees. Any traders (such as traders selling food or refreshments) attending for commercial gain will be subject to a Street Trading fee. Trading at small community events may / will be exempt from Street Trading fees. These events are listed at Annex 3 of this policy.

8 Fees

8.1 Fees will be set and reviewed annually on a full cost recovery basis. Where trading ceases during the term of Consent, refunds will not be given for any outstanding period of less than
3 months, greater then 3 months refunds will calculated on a pro-rata basis. Details of the current fees can/will be found on the Council’s website or on application to the Licensing Officer. The total fee must be paid in advance of issuing the licence.

8.2 Applications for annual Consents should be accompanied by a non-refundable application fee. If the application is approved, the balance of the fee will be due before the Consent is issued. If the application is not successful the application fee will be retained to cover the cost incurred in processing the application.

9 Conditions

9.1 The Council applies standard conditions to Street Trading Consents.

- General conditions for annual Street Trading Consents
- Additional conditions applicable to Special Events

The standard conditions are not exhaustive and other conditions may be added to individual Consents where appropriate.

9.2 Standard Trading Hours are:

(a) Roadside locations for vehicles

- Daytime site from 08:00 to 18:00.
- Evening sites for the Sale of Hot Food from 18:00 to 21:00 (can be extended to xx:xx Thursdays, Fridays, and Saturdays on application and subject to approval).

9.3 Street trading can only be carried out from the stall or vehicle authorised on the Certificate of Street Trading Consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Service, or Environmental Health and Licencing Manager / Relevant Principal Officer.

9.4 The standard conditions applied to Street Trading Consents are attached to this policy as Annex 2. This list is not exhaustive and other conditions may be added to the Consent. Applicants are advised to read carefully this document as the council may revoke, vary or refuse to renew this licence if the conditions are breached. Any contravention of the conditions specified may result in prosecution.
10. **Enforcement**

10.1 Elmbridge is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues, and to regulate relevant legislation where necessary.

10.2 Where licensable activities are conducted without the benefit of a licence, permit or consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate.

10.3 If the Council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Surrey Police.

10.4 The Council may call for assistance from the CCTV operators when dealing with such issues.

10.5 The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

10.6 Failure to comply with one or more of the standard conditions of Consent may lead to revocation or non-renewal of Street Trading Consent. Where revocation occurs in such circumstances no refund will may be payable.

11. **Contacts**

The street trading function is part of the Food and Safety Team remit within the Environmental Services.

Environmental Services  
Elmbridge Borough Council  
Civic Centre  
High Street  
Esher  
Surrey  
KT10 9SD

To enquire about any street trading issue, please visit our website:  
www.Elbridge.gov.uk or contact us via email  
envhealth@elmbridge.gov.uk or ringing 01372 474734.
ANNEX 1

Glossary

<table>
<thead>
<tr>
<th>The Council</th>
<th>Elmbridge Borough Council</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Applicant</td>
<td>The trader who has submitted an application for Street Trading Consent.</td>
</tr>
<tr>
<td>Consent Holder</td>
<td>An individual that holds a Street Trading Consent.</td>
</tr>
<tr>
<td>A Street</td>
<td>Includes any road, footway, beach or other area to which the public have access without payment.</td>
</tr>
<tr>
<td>Consent Street</td>
<td>A street in which street trading is prohibited without the Consent of the Council.</td>
</tr>
<tr>
<td>Street Trading Consent</td>
<td>A permission to trade, which is granted by a council subject to conditions and payment of a fee.</td>
</tr>
<tr>
<td>A Roundsman</td>
<td>An individual who visits a ‘round’ of customers and delivers the orders of those customers, for example a milkman. A person operating an ice-cream van is not classed as a roundsman.</td>
</tr>
</tbody>
</table>
| A Pedlar                    | A pedlar is a trader who must:  
                             • keep moving, stopping only to serve customers at their request  
                             • move from place to place and not circulate within the same area  
                             • hold a valid pedlar’s certificate, issued by a Chief Constable of Police. |
| Peripatetic Trader          | A peripatetic street trader is one that:  
                             1. continually moves from location to location  
                             2. moves at least 50 metres from the last trading location and does  
                             3. not return to that location within four hours  
                             4. does not wait in one location for more than twenty minutes  
                             5. does not trade within 100 metres of any entrance to any school or college (without formal invitation from the establishment). |
| Licensing Officer / Environmental Services Enforcement officer | An officer employed by the Council and authorised by the Council to act in pursuance of the provisions of the Local Government (Miscellaneous Provisions) Act 1982. |
| Activities that do not require Street Trading Consent | Trading:  
                             • as a pedlar under a pedlar’s certificate  
                             • as a news vendor  
                             • at a market or fair, the right to hold which having been obtained by a grant, enactment or order  
                             • at or adjoining a shop premises as part of the business of the shop  
                             • as a roundsman (i.e. delivering pre-ordered goods to customers)  
                             • from a licensed highway area  
                             • under a street collection permit for charitable purposes. |
ANNEX 2  General Conditions for Annual Trading Consents

This list is not exhaustive and other conditions may be added to the Consent. Applicants are advised to read carefully the conditions below, as the council may revoke, vary or refuse to renew this licence if the conditions are breached.

Any contravention of the conditions specified may result in prosecution.

Add – provision of DBS checks ???

1. No trading shall take place except between the dates specified on the Certificate of Street Trading Consent.
2. Street trading shall only be carried out during operational hours specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the area/site vehicle or stall specified on the Certificate of Street Trading Consent.
4. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
5. Street trading can only be carried out from the stall or vehicle authorised under the conditions of the Consent. Any significant changes to or replacement of the stall or vehicle must be approved by the Environmental Health and Licensing Manager.
6. The Consent Holder’s vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance.
7. A copy of the Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
8. The issued Consent licence must be produced on demand to a Council Officer or Police Officer.
9. The Consent Holder’s vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate. Vehicle movements must be carried out legally and must not present a risk to people and structures. The Consent Holder shall not drive or park a vehicle on any part of a footway.
10. Except in cases of Peripatetic Traders, the Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space in the Consent Street for which Consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorized Council Officer or Police Officer they shall immediately comply with that request.
11. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974, the food safety act 1990 and all subsequent regulations including the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Food and safety Team.
12. The Consent Holder shall conduct their business in a professional manner and in a way that minimises risks to employees and others.

13. The Consent Holder must take reasonable precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety, and have a suitable and sufficient fire risk assessment in place to consider the activities of the unit and its location of use. A serviceable fire blanket and a suitable fire extinguishers for the activities being undertaken shall be provided in all vehicles selling hot food that

14. Reasonable steps must be taken to ensure gas safety where gas appliances are used on a stall or vehicle. Gas appliances must be maintained and serviced as per manufacturer’s instructions. Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually. Any faults or concerns in relation to gas safety must be appropriately investigated and made safe by a competent Gas Safe engineer before use.

15. All hot food vans/trailers are required to carry an appropriate first aid kit for the activities that are to be undertaken and have the means to contact the emergency services if necessary.

16. All food businesses must be registered as a food business with the local authority where the van/stall is kept overnight. All food businesses registered outside of the Elmbridge area must be able to demonstrate food business registration, e.g. by written confirmation from the relevant local authority or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.

17. All food handlers must hold a current Level 2 Award in Food Safety in Catering accredited by a recognised training body.

18. All food businesses must achieve and maintain at least a Food Hygiene Rating of ‘3 – Generally Satisfactory’. The Hygiene Rating must be displayed prominently on the stall or vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a rerating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business must immediately cease trading until a satisfactory rerating is obtained?

19. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or Council. Consent Holders shall have special regard to and must take action to prevent excessive noise.

20. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. Proof of waste transfers certificates must be made available to an authorised officer on request, and without undue delay.

21. The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use, and removing any litter from the site, associated with the business activity.

22. A Street Trading Consent cannot be transferred or sold to another person except that the Consent may be transferred to a member of the Consent
Holder’s immediate family in the event of the Consent Holder’s death or incapacity on payment of a fee. The subletting of a pitch is prohibited.

23. The Consent Holder may be the principal operator and have day to day control of the stall/vehicle. The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Environmental Health and Licencing manager / Principal Food and safety Officer Principal Licensing officer of the name and address of that person. An administration fee will be payable.

24. Anyone who operates a stall/vehicle other than the Consent Holder must be authorised by the Environmental Health and Licencing manager / Principal Food and safety Officer / Principal Licensing

25. A Consent Holder may terminate a Street Trading Consent by written notice to the Environmental Health and Licencing manager / Principal Food and safety Officer / Principal Licensing. A refund of the portion of the fee equal to the remaining full months will be payable, the Council will retain the Part 1 application fee administrative costs.

26. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.

27. Consent Holders shall have and maintain a proper insurance policy against public liability and third-party risks. See Annex 4. For specific details required. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Elmbridge on application and as required.

28. These general conditions, which apply to all Street Trading in Elmbridge, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.

29. For Annual Street Trading Consents, fees are required in advance.

30. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials, with the items being recycled rather than entering mixed waste.

31. Where participation in the Eat Out Eat Well- healthy eating scheme, formed part of the application submission, then the operator must ensure it continues to satisfy the requirements of the scheme for the duration for the consent has been issued.

32. No consent will be granted for the sale of goods or services that would conflict with those provided by nearby shops 200m.

33. No consent will be granted where the applicant is unsuitable by reason of having been convicted of an offence.

Failure to comply with these conditions
If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.
**Additional Conditions Applicable to Special Events/Markets**

1. All stalls to be issued with a number that must be displayed on the stall.
2. 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, brief description of products offered and a contact telephone number. This must be produced on request to an authorised officer.

**Additional Conditions Applicable to Peripatetic operators**

Ice cream vans would typically be deemed to be peripatetic street traders.

Peripatetic street trader will be required to meet these conditions in addition to the General Conditions for Annual Trading Consents listed above.

1. Continually moves from location to location,
2. Moves at least 50 metres from the last trading location and,
3. Does not return to that location within four hours
4. Does not wait in one location for more than twenty minutes
5. Does not trade within 200 metres of the boundary of any school or college between the hours of 07:30 and 18:00 (without formal invitation from the establishment.
ANNEX 3 List of Small Community Events Exempt from Street Trading Fees

a. Street Fair  
b. Play Day  
c. Festival and Sports Day  
d. Active  
e. Play day  
f. Fun Day

See leisure / Councillors for ideas.


The Street Trader shall **fully indemnify** the Council against all losses, costs, expenses, proceedings, damages or claims attributable to or arising out of the trading activities.

The Street Trader shall effect **Public and Products Liability Insurance** with a minimum indemnity limit of not less than £5m (five million pounds) in respect of any one incident.

The Council’s interest must be noted in the Policy and the Insurance must indemnify the Council in respect of any liability that the Council may incur for personal injury or damage to property, sustained as a result of the trading activities.
Written confirmation of this insurance cover, to include the following information, is required on Insurer or Broker headed paper prior to the trading activities commencing:

- The Insurer
- The Policyholder
- The Policy Number
- Period of insurance cover
- The types of insurance cover including indemnity limits
- Any significant exclusions to the insurance cover