



**Elmbridge**  
**Borough Council**

*... bridging the communities ...*

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# **Elmbridge Borough Council-**

## **Street Trading Policy**

**2019**

In force from 01 September 2019

# Elmbridge Borough Council Street Trading Policy

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## Introduction

This document sets out the Elmbridge Borough Council Policy on Street Trading, (hereafter referred to as ‘the **Policy**’) which is being introduced as of 1 September 2019. The **Policy** will be reviewed and updated after 12 months of introduction, and at relevant intervals (3 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 operating in the borough. Whilst we recognise the importance of mobile street trading businesses to the local economy and the character of the area, we will endeavour 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 businesses and communities are not adversely affected by street trading. The scheme aims to prevent the obstruction of the streets and minimise the risk to public or harm the environment caused by street trading activities.
- 1.2 The **Policy** will be referred to as part of the approval process when applications for Street Trading Consents are being considered by the authority. Applicants will be encouraged to consider the **Policy** as part of the application process.
- 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 a street trading consent will be considered on its individual merits, and the council may impose such conditions as deemed appropriate including; to prevent obstruction of the street or danger to persons using it or prevent nuisance or annoyance (whether to persons using the street or otherwise).

### 2 Consultation

- 2.1 In determining significant changes to this **Policy**, the Council will consult the following and take into account their relevant views:
  - Surrey Police – Road Safety and Traffic Management Team
  - Surrey Fire and Rescue Service
  - Surrey County Council Highways Services
  - Licensing Committee
  - Ward members
  - Claygate Parish Council
  - Elmbridge Business Group
  - Elmbridge Chamber of commerce
  - All current street traders we are aware of operating in the borough

- Relevant departments within Elmbridge including Economic Development, and Planning.
- The general public by use of the Councils consultation webpage.

### 3. Review of the Policy

3.1 This **Policy** will be initially reviewed in advance of the 1-year anniversary and thereafter reviewed every three years. At the time of the review, we will again consult all interested parties. We will however continue to evaluate the **Policy** and may update it at any time. Any minor changes can be agreed by Officers under delegated powers or may be referred to the Licensing Committee for approval.

### 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'.

4.2 '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.

4.3 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.

4.4 **Prohibited streets** are streets where no street trading may take place at all. Six roads in Elmbridge have been designated as Prohibited Streets:

- 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.**

- 4.5 All remaining streets in the Elmbridge area will be designated as consent streets.
- 4.6 Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 are also subject to licensing controls under the licensing Act 2003 for late night refreshment. This is separate to, and not covered by this street trading **Policy**. For details of how to obtain a premises licence visit: <https://www.elmbridge.gov.uk/licensing/alcohol-and-entertainment-licences/>

## **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 has delegated decision making to Officers. Officers will prepare reviews of the **Policy** and fees in accordance with the time frame listed above (3.1). 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;

They may also 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, and /or,
- (ii) where there are relevant objections from consultees including the Police, Fire or Highways on the grounds of Public or Highway safety.

- 5.3 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

- 5.4 Where more than one application for the same location is received, the applications will be considered by the Environmental Health and Licensing Manager / Relevant Principal Officer, who will use the criteria listed at paragraph 5.12 of this **Policy** to make their recommendations for determination of who to award the site to.
- 5.5 Where more than one application meets the criteria, the application will be referred to the Head of Service, or alternatively may be referred to Licensing committee as deemed appropriate for decision.
- 5.6 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**

- 5.7 An application for Street Trading Consent must be made to the Council using the **online form**. If it is not feasible for the applicant to complete this, then they should contact [envhealth@elmbridge.gov.uk](mailto:envhealth@elmbridge.gov.uk) or 01372 474735 to discuss what alternative options may be appropriate. The applicant will need to effectively answer the application questions and provide supporting evidence where required.

The following will be required to be uploaded / submitted with the application:

- (a) A completed and electronically signed Street Trading Consent Application form.
- (b) The correct application fee – see [ANNEX 5](#).
- (c) Where the proposed street activity is from a fixed position, the specific trading location needs to be detailed on the 'location finder function' showing the proposed site.
- (d) Electronic image (colour photographs) of the vehicle / unit that will be used for the street trading activity.
- (e) Dimensions of the vehicle / unit in metres / cm, (Length, Height, Width).
- (f) A certificate of Indemnity and Public and Products Liability Insurance requirements needs to be provided that meet the insurance requirements of the council as set out in Annex 4 of this **Policy**.
- (g) If handling food, a copy of the current Level 2 Award in Food Safety in Catering certificate for all food handlers working on the unit should be provided if available.

- (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 Basic Disclosure and Barring Service (DBS) check for all applicants.

5.8 Street Trading Consents are issued for a period of one year.

5.9 Before a Street Trading Consent is granted or refused the Council will carry out a consultation process with the following organisations:

- Surrey County Council Highways Services
- Surrey Police – Road Safety and Traffic Management Team
- Ward Councillors
- Claygate Parish Council (If propose trading in Claygate)
- Planning
- Environmental Health and Licensing
- Surrey Fire and Rescue
- A public notice will be displayed close to where the street trading is proposed
- We may also consult business and the public in area

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

#### 5.10 **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, such as the pitch interferes with sight lines for any road users at road junctions, or pedestrian crossing facilities or similar.
- There is a conflict with Traffic Orders such as waiting restrictions.
- There are insufficient public parking areas to allow traders and customers to park without obstructing local business and residents access.
- 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 proposed items on sale would be in direct competition with an existing trader within a 200m radius.
- The supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 is proposed within 200 metres of the boundary of a school or college.
- There is likely to be odour or noise complaints from the operation of the unit.

5.11 In the absence of representations, the application will be referred to either the Environmental Health and Licensing Manager / Relevant Principal Officer, who will use the criteria listed below (5.12) 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. When there are representations, the Environmental Health and Licensing Manager or Head of Environmental Services may refuse an application.

5.12 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 need to 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 or annoyance 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 a good condition smart appearance and meet criteria, laid down in the standard Consent conditions. Photographs, including dimensions, must be provided with all new applications and requests for approval for 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 a consent will be granted if the business exists 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.

Food Traders

Applicants who trade in hot or cold food must be able to demonstrate a good understanding of food safety and hygiene. They must be registered as a food business with the relevant local authority. As a minimum, food handlers should hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. It is recommended 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 than 3 will not normally 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.

(h) Healthy eating choices.

Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – Healthy eating scheme. Where more than one trader is seeking to operate from the same location, and all other criteria has been met- the business that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected.

<https://www.elmbridge.gov.uk/food-hygiene/eat-out-eat-well/>

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 present 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 or repair to occur.

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

**Peripatetic Street Trading**

5.14 Peripatetic street traders will require a street trading licence. Street traders that meet the conditions below will be classed as peripatetic.

- Continually 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).

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

### **Renewal Applications for a Street Trading Consent**

- 5.15 Street Trading Consents are renewed annually for the period of 1 year. A renewal application for Street Trading Consent should be made to the Council at least 35 days before the renewal date.
- 5.16 The renewal application will require a completed and signed Renewal Consent Form to be submitted, along with full fee.
- 5.17 As part of the renewal, the Council may consult further to determine if the street trader has caused concern or has been the subject of substantiated complaints or adverse comments.
- 5.18 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 granted.
- 5.19 Where a renewal application has been made and there have been no justifiable complaints or enforcement issues and all fees have been paid on time, the Consent may be renewed. However, there is no automatic right to renewal.
- 5.20 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 may be refused. Where refusal is disputed it will be referred to the Licensing Committee for consideration and determination.

### **Vacant Sites**

- 5.21 In the event of a Consent being revoked, surrendered or not renewed the Council will not advertise this site as available.
- 5.22 Any applications or approaches for a vacant site will be considered as a New Applications for a Street Trading Consent as detailed in 5.7 above.

### **Transfers**

- 5.23 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, (including, spouse parent sibling) in the event of the Consent Holder's death or incapacity on payment of a variation fee.

- 5.24 The subletting of a pitch is prohibited. Where sub-letting is identified, the consent will be withdrawn from the holder. No right to claim a refund for the period remaining on the licence 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 may 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 The requirement for Street Trading Consents and the associated fees for stalls at charitable or small community events may be waived, at the discretion of officers under delegated powers. Street trading is considered to be for charity benefit if the profits from individual stalls/units are donated to a registered charity, (and proof can be evidenced on request). Examples of such events are listed at Annex 3 of this **Policy**. Any traders (such as traders selling food or refreshments) attending for solely commercial gain may be subject to the Street Trading Consent scheme.

## **8 Fees**

- 8.1 Fees will be set and reviewed annually. [Annex 5](#) provides details of the current fees for application for a consent / renewal. Details of the current fees can also be found on the Council's website.
- 8.2 Applications for annual Consents must be accompanied by the correct fee. The fee consists of two parts. Part 1 a non-refundable application fee and Part 2 the issuing fee for the licence. The application fee must be paid before the application is considered. If the application is successful, the issue fee (Part 2) will be required to be paid before the consent is issued.
- 8.3 Where trading ceases during the term of the Consent, refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.

## **9 Conditions**

- 9.1 The Council applies standard conditions to Street Trading Consents and these are attached to this **Policy** as Annex 2. The standard conditions are not exhaustive and other conditions may be added to individual Consents where appropriate. Additional conditions applicable to Special Events may also be added where appropriate.

9.2 Standard Trading Hours are considered to be;

- Monday to Sunday -Daytime(s) from 08:00 to 18:00.
  - Monday to Sunday -Evening(s) from 18:00 to 23:00 for the Sale of Hot Food
- Alternative hours may be requested and will be 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 Licensing Manager or relevant Principal Officer.

9.4 Applicants are advised to read carefully the conditions for consent 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 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 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.elmbridge.gov.uk](http://www.elmbridge.gov.uk) or contact us via email [envhealth@elmbridge.gov.uk](mailto:envhealth@elmbridge.gov.uk) or ringing 01372 474734.

## ANNEX 1 Glossary

The Council	Elmbridge Borough Council
The Applicant	The person(s) who has submitted an application for Street Trading Consent.
Consent Holder	An individual that holds a Street Trading Consent.
A Street	Includes any road, footway, beach or other area to which the public have access without payment.
Consent Street	A street in which street trading is prohibited without the Consent of the Council.
Street Trading Consent	A permission to trade, which is granted by a council subject to conditions and payment of a fee.
A Roundsman	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.
A Pedlar	A pedlar is a trader who must: <ul style="list-style-type: none"> <li>• keep moving, stopping only to serve customers at their request</li> <li>• move from place to place and not circulate within the same area</li> <li>• hold a valid pedlar's certificate, issued by a Chief Constable of Police.</li> </ul>
Peripatetic Trader	A peripatetic street trader is one that: <ul style="list-style-type: none"> <li>• continually moves from location to location</li> <li>• moves at least 50 metres from the last trading location and does</li> <li>• not return to that location within four hours</li> <li>• does not wait in one location for more than twenty minutes</li> <li>• does not trade within 200 metres of any entrance to any school or college (without formal invitation from the establishment).</li> </ul>
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: <ul style="list-style-type: none"> <li>• as a pedlar under a pedlar's certificate</li> <li>• as a news vendor</li> <li>• at a market or fair, the right to hold which having been obtained by a grant, enactment or order</li> <li>• at or adjoining a shop premises as part of the business of the shop</li> <li>• as a roundsman (i.e. delivering pre-ordered goods to customers)</li> <li>• from a licensed highway area</li> <li>• under a street collection permit for charitable purposes.</li> </ul>
A pitch	An area of specified or defined ground to trade from

## **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.

1. No street trading shall take place except between the dates and times specified on the Certificate of Street Trading Consent.
2. The Street Trading Consent relates only to the location specified on the Certificate of Street Trading Consent.
3. The Street Trading Consent relates only to the vehicle or stall specified on the Certificate of Street Trading Consent.
4. Any significant changes to or replacement of the stall or vehicle must be approved by the Environmental Health and Licensing Manager.
5. The Consent Holder's vehicle/stall shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance.
6. 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.
7. The issued Consent licence must be produced on demand to a Council Officer or Police Officer.
8. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate, (if applicable).
9. If a trailer (and not a motorised vehicle), is parked on the highway, it must be road worthy and be in a suitable condition to be moved at any time.
10. 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.
11. 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.
12. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by an authorised Council Officer or Police Officer, they shall immediately comply with that request.
13. 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.
14. The Consent Holder shall conduct their business in a professional manner and in a way that minimises risks to employees and others.

15. 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 extinguisher for the activities being undertaken shall be provided in all vehicles selling hot food that
16. 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.
17. 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.
18. 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.
19. All food handlers should hold a current Level 2 Award in Food Safety in Catering accredited by a recognised training body.
20. 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 re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council.
21. 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 and odour. Generators in particular need to be properly sited, sound proofed and ventilated so as not to cause disturbance.
22. 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.
23. 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 litter picking any litter from the site, associated with the business activity.
24. 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.

25. The Consent Holder should be the principal operator and have day to day control of the stall/vehicle.
26. Any employee who operates the unit / vehicle other than the Consent Holder must be aware of the street trading conditions issued as part of the consent and ensures they are complied with. Failure to do so may lead to the consent being revoked.
27. 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. The Council will retain the Part 1 application fee administrative costs. Refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.
28. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
29. Consent Holders shall have and maintain an insurance **Policy** to the satisfaction of the Council, (see Annex 4 of the **Policy** for specific details required). Proof of cover must be produced on request to an officer of Elmbridge.
30. These general conditions, which apply to all Street Trading in Elmbridge, may be varied, having regard to a particular location. Additional special conditions may be added that must also be complied with.
31. For Annual Street Trading Consents, fees are required in advance.
32. 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.
33. 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.
34. Consent may not be granted for the sale of goods or services that would conflict with those provided by existing premises within 200m.
35. The use of tables, chairs, gazebos will only be permitted where consent has been granted by Surrey County Council
36. No consent will be granted where the applicant is unsuitable by reason of having been convicted of an offence.
37. A current Disclosure and Barring Service (DBS) certificate for the consent holder must be provided on request.

### **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.

### **ANNEX 3 List of Community Events Exempt from requiring a Street Trading Consent**

Under delegated authority, officers may determine an event to be exempt from requiring a street trading consent. Examples of these may include events such as:

- Street Parties
- Festival and Sports Days
- Community Fun / Activity Day
- Charity Events
- Parades

### **ANNEX 4 Insurance requirements - Indemnity and Public and Products Liability**

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.

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

## ANNEX 5 Fees & Charges

### Local Government Miscellaneous Provisions Act 1982 – Street Trading Consent Fees 2019

<b>New Consent</b>	<b>(Part 1*) Consent application</b>	<b>(Part 2*) Issuing of consent</b>	<b>Total for first- year consent</b>
	£	£	£
Street Trading Consent (Fixed Location)	200	850	1050
Peripatetic (mobile street trader)	200	764	964
<b>Consent Renewal</b>	<b>(Part 1*) Consent renewal application</b>	<b>(Part 2*) Issuing of renewal consent</b>	<b>Total for consent renewal</b>
Street Trading Consent (Fixed Location)	200	764	1000
Peripatetic (mobile street trader)	200	764	964

<b>Application to vary consent or conditions fee</b>	£45 per hour
<b>Replacement copy of consent and conditions</b>	£10.50

**Note:** The Council will accept payment by credit/debit card (by phone or in person) or cheque payable to “Elmbridge Borough Council”.

Applications for annual Consents must be accompanied by the correct fee. The fee consists of two parts. Part 1 a non-refundable application fee and Part 2 the issuing fee for the licence. The application fee must be paid before the application is considered. If the application is successful, the issue fee (Part 2) will be required to be paid before the consent is issued.

The cost of varying a consent or its conditions will be calculated on an hourly rate, with the fee being based on the length of officer time required to consider and administer the requested variation.