



**STREET TRADING**

**INFORMATION PACK AND APPLICATION FORM**



## **Street Trading In Worcester**

### **How Street Trading is Controlled in Worcester**

Worcester City Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1982 so that it can effectively control street trading.

All streets within the City are designated as Licence Streets. It is unlawful to trade in any street, road, footway, highway or adjacent area to which the public have access without payment, without a licence. Trading without a licence may result in prosecution.

The City Council has the right to vary or revoke the licence at any time if the trader fails to comply with the conditions attached to the licence.

If you wish to trade outside the City of Worcester area you should contact the appropriate District Council for that area. Please note that different Councils may have different procedures and rules regarding street trading.

If you wish to trade within the City of Worcester, application should be made to the Licensing Section, Worcester City Council, Environmental Services, Guildhall, High Street, Worcester WR1 2EY (Telephone 01905 722213).

### **Exemptions to Street Trading**

1. Trading as a pedlar with a valid Pedlar's certificate issued under the Pedlars Act 1871. (A pedlar is a person who travels and trades on foot and goes from town to town or from house to house carrying goods to sell.) A pedlar can not trade from a fixed spot. Pedlar's certificates are obtained from the Police. Further guidance on pedlars is available from the Council.
2. A roundsman, who is a person who delivers orders to the customer's door. This is a trader who calls by prior arrangement with the customer and sells at the customer's premises. Ice cream sellers or mobile food sellers are not deemed to be "roundsmen" and require a licence to trade in the street.
3. News vendors selling only newspapers and periodicals, unless the stall exceeds one metre in length or width, or two metres in height.
4. Trading from the forecourt of a petrol filling station.
5. Trading from a stall outside a shop as an extension of that business.

## **What is a Street Trader**

A Street Trader is someone who:-

- Trades on any road, footways, highways, and other adjacent areas to which the public have access without payment. Traders must obtain land owners' permission when trading on private land.
- Sells or exposes or offers for sale any article, whether food or non-food, including a living thing, whether with or without a stall or vehicle.
- Trades from a fixed location.

## **Application Procedure**

1. Complete the appropriate application form.
2. Attach to the application form the required documents, as listed on the application form, together with the appropriate fee (on initial application only) and submit the form via customer services at Orchard House, Farrier Street, Worcester.
3. Original documentation submitted in support of your application will be returned if requested.

## **Consideration and Determination of your Application**

1. When received by the Licensing Section your application form will be checked and processed if correct. Incorrect or incomplete applications will be returned. Provided there are no queries arising from the application form, your application will be acknowledged in writing within 5 working days of receipt.
2. The complete application form will be copied for comment to various parties. Amongst them are the Police, Transportation Partnership Manager, Visit Worcester Manager and the Community Safety Officer.
3. Responses to the application must be made within 20 working days. If queries are raised at this stage then you will be contacted and given the opportunity to address them.
4. Having received all comments/recommendations and taking into account the Street Trading Policy Statement, the Licensing Section will then decide whether or not to grant your application. Where your application cannot be granted, you have the right to ask for it to be referred to the Licensing Committee for consideration and determination. You will be informed in writing of any decision.

- 5 If your application is refused after a hearing by the Committee you will be notified in writing of the reasons for refusal. You have the right to appeal to the Magistrates Courts in such circumstances.
- 6 If your application is refused the fee is refundable less an administration charge.

On renewal, any instalment payments are by agreement with the Council.

Fees are reviewed annually and are applicable from 1<sup>st</sup> April each year.

Fees payable for static traders who trade from a fixed pitch are:-

Single Unit up to 10 ft x 10 ft	£3320
Over 10ft x 10 Ft	£6166

The fee for a Mobile Trader is £91 per annum per vehicle.

A day licence costs £61 per day. Consecutive days (to a maximum of 4) cost an additional £17 per day.

### **Miscellaneous Information**

A Licence can be issued for any period up to a maximum of 12 months but will expire on 31<sup>st</sup> March next, unless surrendered earlier.

Renewals will take place on receipt of a completed renewal application form and payment of the appropriate fee.

Licences are not transferable and cannot be contracted out.

The licence holder is entitled to a refund of part of the fee paid if the Licence is surrendered part way through the year.

Refunds may be made on a pro rata basis, subject to an administration charge of £25.

If the licence is surrendered or not renewed then any other person may apply to trade from the same site. Generally licences are issued on a first come first served basis. If there is more than one application for a particular site the matter will be decided by the licensing committee.

### **Responsibilities**

A Licensee is responsible for ensuring that:-

- The licence conditions are complied with.
- All relevant certificates are produced to the Council with any application for a licence.
- The vehicle or stall is registered with the Council if selling food of any description.

The Council will not be held responsible for any acts or omissions arising from the grant of a licence.

Where trading is on private land, to which the public have access without restriction, permission to trade must be obtained from the owner/occupier as well as the Council.

## **Street Trading - Policy Statement**

- Street trading is regarded as an acceptable activity in Worcester provided that it is located where it can make a positive contribution to add interest, vibrancy, and diversity to the city and does not give rise to problems associated with Crime and Disorder.
- The Council licenses street trading activities in Worcester and will ensure that traders operate in accordance with conditions attached to such licences.
- The Council will identify suitable locations for street trading in consultation with the Police, the City Centre Manager and the Head of Engineering and Transportation.
- Street Trading should enhance the shopping areas for the benefit of the pedestrians but also preserve space to prevent congestion in our streets.
- We aim to protect the needs of the disabled and the visually impaired. Street traders should not present unnecessary obstructions.
- We will ensure that the sale of goods does not create conflict with the trade of established shops.
- The Council will seek to assist promote new business and enterprise.
- The Crime and Disorder Act stresses the need to take positive action to combat crime and the fear of crime. Therefore, prior to granting any street trading licence the Council will pay particular attention to any potential crime and disorder arising directly or indirectly from the licence and will give significant weight to the views of the Police and Community Safety Officer.
- The Council may issue a licence for any period up to one year.
- Applications for a street trading licence will be considered and determined by the Director of Environmental Services.
- Where more than one trader applies for a licence to trade from an approved site, the application will be referred to the Licensing Committee.

## **CITY OF WORCESTER**

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

#### **STREET TRADING - STANDARD CONDITIONS**

1. Worcester City Council ("the Council"), pursuant to Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the Act") have resolved that Schedule 4 to the Act, to control street trading in the City, should come into force from 15<sup>th</sup> December 1982.
2. The Council has resolved that every street within the area of the City of Worcester is to be designated as a "Licence Street" under the Act. Street trading without a licence within the city is now unlawful.
3. A street trading Licence is issued by the Council subject to the following conditions, in so far as they do not conflict with or are amended by any specific conditions imposed on the grant of the Licence:-
  - (a) The Licence is valid for the period shown on the Licence.
  - (b) The Licensee shall pay a fee to the Council in accordance with the approved list of fees.
  - (c) The Licence may be surrendered by the licensee at any time, providing that the Council shall repay to the licensee that part of the licence fee considered by the Council appropriate for the unexpired period of the licence, less £25 for administrative expenses, the exception being the day rate.
  - (d) The Licence holder must at all times while trading display in a conspicuous position the Licence issued by the Council.
  - (e) The Licensee shall not carry on his/her trade in such a way as to cause obstruction, danger, nuisance or annoyance to persons using or occupying the street or in the vicinity.
  - (f) The Licensee shall not sell any type of food, goods or merchandise other than that specified in the Licence.
  - (g) The Licensee shall provide and maintain, where appropriate, adequate facilities for the collection of litter resulting from his/her trading and at the close of each trading day shall remove any litter resulting from his/her trading from the street. The Licensee shall be responsible for any damage to the highway or otherwise resulting from the trading activity.

- (h) The Licensee shall make such provision as is necessary to prevent the deposit in any street of solid or liquid refuse occurring from the trading activity and shall not discharge any waste water to the street surface or to the surface water drains.
- (i) The Licensee shall not use any for the reproduction of sound while trading, without the express permission of the Council.
- (j) The Licensee shall not trade outside the times and days permitted by the Licence.
- (k) The Licensee shall not trade in any location other than the location permitted by the Licence.
- (l) Any vehicle, stall or container used by the Licensee in the course of street trading shall be constructed and maintained to the satisfaction of the Council and shall comply with legislation in force at the time or any relevant British Standard.
- (m) The use and storage of liquid petroleum gas shall only be permitted if a satisfactory risk assessment has been supplied as required by the Chief Fire Officer.
- (n) The Licence shall not operate for any other purpose than to permit the Licensee to trade in a Licence street in accordance with the conditions imposed. The Licensee must ensure that he/she has obtained any other approval or registration required under any other statutory provisions relevant to his/her trade.
- (o) The Licensee must be 18 years of age or over and shall be responsible at all times for control of the stall. Any persons assisting on the stall shall be 18 years of age or over.
- (p) The Licence is personal to the Licence holder and shall not be assigned or transferred to any other person or company.
- (q) The Licence holder or his employee must move his vehicle/stall or vacate the site immediately upon the instruction of a Police Officer or Authorised Officer of the Council.
- (r) Nothing herein contained shall prejudice the rights, powers, duties and obligations of the Council or any other enforcing authority under any public or private statutes, orders, regulations or byelaws.
- (s) The Licence holder shall at all times maintain a valid Third Party Public Liability Insurance policy to the satisfaction of the Council and shall produce a valid certificate of such insurance at any time upon the request.



- (t) Nothing contained in these conditions shall relieve or excuse the Licence holder or his/her employee or agent from any legal duty or liability and the Licence holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from trading.
- (u) The conditions attached to the Licence may be varied by the Council at any time.
- (v) Any breach of these conditions may lead to the Licence being suspended or revoked.
- (w) In these conditions "the Licence" means a Licence issued under Section 3 of and Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. "Licensee" means the person named on the Licence issued by the Council and includes any employee, servant or agent of the licence holder and "the Council" means Worcester City Council.

## **FOOD SAFETY REQUIREMENTS FOR ALL FOOD TRADERS** **THE FOOD HYGIENE (ENGLAND) REGULATIONS 2006**

All food premises must be registered with the Local Authority at least 28 days prior to starting trading.

All food businesses must have in place written food safety management procedures based on HACCP (hazard analysis critical control point) principles.

The person (or people) responsible for developing and maintaining the food safety management system must have received adequate training to enable them to do this. Any member of staff must be supervised/instructed/trained in food hygiene in a way that is appropriate for the food they handle. You do not have to attend a formal course but this is highly recommended e.g. Chartered Institute of Environmental Health to ensure you are aware of the legal requirements.

The unit must be kept clean and maintained in good repair.

All food handlers must keep themselves and their over clothing clean, any cut or abrasion covered with distinctive material, refrain from spitting or smoking while they are on or around the unit.

Any food handler who is suffering from food poisoning or any condition likely to cause food poisoning should not work until they have had no symptoms for 48 hours.

All wrapping paper and food containers must be clean and approved for food use.

Specified high risk foods must be kept at or below a temperature of 8°C or if to be served hot kept at a temperature of 63°C or more until sold. It is recommended that these temperatures be recorded.

Any food on display must be protected against contamination.

Every unit must have a sufficient supply of clean and wholesome water. If water is stored in a container, this must be kept clean and disinfected regularly.

You must have appropriate facilities to maintain adequate personal hygiene, including facilities to wash and dry hands hygienically, hygienic toilet and changing facilities. Hot water must be available whenever trading. It is recommended that liquid soap (anti-bacterial) and paper towels are used.

Suitable and sufficient washing facilities, complete with an adequate supply of hot and cold water, detergents and clean drying facilities must be provided and maintained in a clean condition and good working order. The sink must be cleaned and disinfected between being used for food washing and equipment washing. Hot water must be available whenever trading.

Disinfectants/sanitiser must be available for food contact equipment and surfaces.

Adequate first aid materials including waterproof dressings must be maintained in the unit. It is recommended that coloured dressings are provided.

No live animals or articles which could contaminate food are permitted within the unit.

The vehicle must not be used as a sleeping place.

Suitable and sufficient lighting must be provided and maintained within the unit. All electric units should be enclosed to prevent contamination of food.

A suitable bin with a close fitting lid should be provided for the separation and disposal of waste. No refuse or other waste must be allowed to accumulate in or around the unit.

The unit must not be sited close to sources of contamination or pests.

Any sanitary convenience regularly used in connection with any unit must be kept clean, in good repair, properly lighted and ventilated.

**FAILURE TO COMPLY WITH FOOD SAFETY REGULATIONS MAY RESULT IN LEGAL PROCEEDINGS AND/OR REVOCATION OF THE CONSENT.**

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

Under the provisions of the Control of Pollution Act 1971:-

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

A mobile ice cream trader may sound chimes, but not:-

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