

## APPENDIX B

### PROPOSED STREET TRADING CONDITIONS

#### **Street Trading Consents Standard Terms and Conditions Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 Para 7 (4)**

#### **Standard Conditions attaching to Street Trading Consents**

##### **1. General**

- 1.1 Slough Borough Council issues annual, six monthly, quarterly, monthly and daily consents.
- 1.2 Under paragraph 7 (6) of the above legislation the council may at any time vary the conditions of a street trading consent. Paragraph 7 (10) of the Act states that a street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 1.3 Should a consent be granted the consent holder will be required to comply with the following terms and conditions which are attached to the consent and if breached the consent may be revoked.

##### **2. Day & Times**

- 2.1 Street trading shall not be carried out on any street, place or site on any days or at any time other than those specified in the consent and trading shall take place only from the specified unit. **No trading will be allowed within a 250 metre radius of any school or children's nursery**
- 2.2 All mobile traders (including ice cream vendors) to be restricted to a maximum of **20 minutes trading time** in any one particular location.

##### **3. Use of Site**

- 3.1 The Consent Holder and any assistants employed by them shall not at any time cause or permit any goods, articles, structures or produce to be stored or displayed at the sides of the unit/stall, around the unit/stall, or in the gangway between any two units/stalls.

##### **4. Commodities**

- 4.1 No class or classes of articles, commodities or things may be sold or exposed or offered for sale other than those specified in the consent.

- 4.2 The Consent Holder must notify The Council in writing of any changes to items being sold or offered for sale. This must be approved by the Licensing Manager at least 2 weeks prior to the items being offered for sale.
- 4.3 All commodities must comply with current Consumer Protection legislation. Further information is available at [www.slough.gov.uk/business/trading-standards/business-advice.aspx](http://www.slough.gov.uk/business/trading-standards/business-advice.aspx) or telephone 01753 875255.
- 4.4 The minimum standard to which all goods should comply is that they are safe, genuine, and as described. All goods must be accurately priced and any surcharges, of any kind, should be as bold, concise and compelling as the headline price itself. Description of services must be accurate and transparent. The use of harassment, coercion or undue influence in the sale of any goods or services will result in the immediate revocation of the consent.

## **5. Trader's Vehicles**

- 5.1 A Consent Holder shall not leave any vehicle in the street in which trading takes place, apart from in approved parking spaces, except for the purpose of loading and unloading goods. This condition shall not apply when waiting restrictions are in force.
- 5.2 The Consent Holder shall not enter the site of trading other than during the times specified except for the periods of 30 minutes before trading starts and after trading finishes for the purposes of setting up and dismantling the trading operation.
- 5.3 Where any new parking restrictions are implemented at the location where any street trading takes place, this may affect the renewal of the Street Trading Consent.

## **6. Offensive Material**

- 6.1 The Consent Holder and any assistants employed by them shall not offer for sale or display any articles or goods or anything whatsoever which is indecent or is likely to be offensive or in any way promotes or relates to the use of drugs. The Consent Holder must immediately withdraw from sale any such article or goods if required to do so by an authorised officer of the Council.

## **7. Type & Size of Unit / Stall**

- 7.1 The unit/stall used must be of a size specified in the consent and of a design approved by Slough Borough Council. It will be of a temporary

nature and easily removed. Its use must not cause damage to the street or endanger persons using the street.

- 7.2 The Consent Holder shall notify the Licensing Department in writing of any changes to the size or design of the unit/stall, and must be approved by the Licensing Manager before the unit can be used for trading.
- 7.3 The Consent Holder shall not park the unit or place the stall on any part of a footway without prior written consent from the Council.
- 7.4 All tow bars will be removed or collapsed so as not to represent a hazard.
- 7.5 Generators with an output of 3.3KW and above are not permitted except with the express permission of Slough Borough Council.
- 7.6 A legible notice which will be provided by the Council shall be prominently displayed by a street trader in or on the unit/stall to clearly show the Consent Holder's name and such other details as may be prescribed by the Council.

## **8. Consent Holder**

- 8.1 The Consent Holder shall ensure that they have a valid certificate for a minimum **£5 Million** public liability insurance cover.
- 8.2 No person other than the consent holder or a nominated assistant shall be permitted to work on the street trading unit/stall.
- 8.3 The Consent Holder shall not dispose of, transfer or sublet, or attempt to dispose of, transfer or sublet his or her consent to another person without the permission of the Council. In the event of the death of a consent holder the consent may be operated by the next of kin or bequeathed person if a formal application is submitted and approved by the Council within 6 months of the death.
- 8.4 The Consent Holder shall provide full details of all nominated assistants as detailed in the Nominated Assistant Application form.
- 8.5 No nominated assistant shall commence work on a street trading unit/stall until such time as that person has been approved in writing by the Council.
- 8.6 The Consent Holder and any nominated assistants employed by them must wear at all times whilst street trading the identification badge provided by the Council.

- 8.7 The Consent Holder must arrange access to toilet facilities for the Consent Holder and any nominated assistants during trading hours. This must include a written arrangement with other businesses if there are no public toilets nearby.
- 8.8 In an emergency or when requested by a police constable or authorised officer of the Council, the unit/stall shall be temporarily removed for such period as necessary.

## **9. Conduct**

- 9.1 The Consent Holder and any nominated assistants employed by them shall be on all occasions when carrying on the business of street trading strictly sober and conduct him or herself in a proper, civil and decorous manner.
- 9.2 Consent Holders and any nominated assistants employed by them shall ensure the business is not conducted in such a way to cause nuisance, annoyance or danger to persons using the street or otherwise and that the public are treated fairly and with courtesy.
- 9.3 Consent Holders and any nominated assistants employed by them shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of flyer, public address system or otherwise without written approval from the Council.
- 9.4 Consent Holders and any nominated assistants employed by them must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area. Consent Holders will be responsible for the cost for repairing any such damage and repairs are only to be carried out by the Council's term maintenance contractors. (For advice and information please contact Highways by email [Highways@slough.gov.uk](mailto:Highways@slough.gov.uk) or telephone 01753 475111.)
- 9.5 Consent Holders and any nominated assistants employed by them must not cause or allow to be caused any obstruction to any routes that provide access to emergency service vehicles and/or personnel, fire hydrants, manholes or other street furniture etc. resulting from your business. All routes must be kept clear and visible at all times.

## **10. Trailer / Unit / Stall**

- 10.1 Any unit/stall which emits fumes shall comply with the requirements of Slough Borough Council and not present a statutory nuisance to persons using the street or occupying premises in the street.

- 10.2 The unit/stall used for street trading shall be kept in a clean, and, and if applicable, roadworthy condition.
- 10.3 All fire exits must be kept clear and visible at all times.
- 10.4 Any property, building or structure near to and around any site on which trading is carried out shall not be defaced or interfered with.
- 10.5 From time to time, the Statutory Undertakers may wish to undertake works in the execution of their duties, upon or within the vicinity of the trading site, at which time an alternative location **may be** considered by the Licensing Team in the interim period.
- 10.6 The consent holder shall be responsible for complying with any Acts of Parliament, Regulations or bye-laws which affect the occupation and use of the site.
- 10.7 No unreasonable noise shall be made which may cause annoyance to persons using the street or occupying premises in the street in which trading is carried out. If it is intended to use electrical and/or gas equipment you must produce evidence of annual safety inspections of the equipment in use. These inspections should be carried out by a competent person (a Gas Safe Registered operator for gas and LPG equipment and a qualified person for electrical equipment (e.g. – an NICEIC registered contractor)).
- 10.8 The Consent Holder and any nominated assistants employed by them shall be in attendance during the period when street trading is taking place, except when he/she is actively engaged elsewhere on street trading business concerning that consent, or there is other reasonable excuse such as sickness. Notification of absence for any continuous period of more than two days i.e. sickness or holidays, must be made to the Licensing Team as soon as is practicable.
- 10.9 Units/stalls should not be left unattended at any time, except in emergency situations.

## **11. Equality**

- 11.1 The Consent Holder shall ensure that disabled persons, persons with restricted mobility and wheelchair users can be adequately served. This may involve but not limited to such customers being served from outside the unit/stall.

## 12. Food Hygiene

- 12.1 Where the consent is for the sale of food from a stationary unit/stall. The unit/stall must be suitable for the purpose. Management of the unit/stall must comply with all requirements of the relevant food safety laws in particular The Food Safety Act 1990, EC regulation 852/2004 and the Food Safety and Hygiene (England) Regulations 2013.
- 12.2 All food traders shall give details of the local authority with whom they have registered their food business, having regard to the EC regulation 852/2004. (Further information is available at [www.slough.gov.uk/business/environmental-health/food-hygiene-and-safety.aspx](http://www.slough.gov.uk/business/environmental-health/food-hygiene-and-safety.aspx) or telephone 01753 875255. )
- 12.3 If food is prepared, served or sold, the consent holder must have in place a Food Safety Management System (FSMS) that is kept under constant review. A copy of the FSMS must be produced where necessary to any authorised office of the Council.
- 12.4 If there are any significant changes to the menu or equipment used then the FSMS must be reviewed and resubmitted to the council for agreement when renewing the licence.
- 12.5 All persons handling unwrapped high risk food must have a food safety training certificate. The certificate must be accredited by the Qualifications and Curriculum Development Agency (QCDA) to the Level 2 Award. This certificate must also be produced for examination when requested by any authorised officer of the Council, Police Officer or Police Community Support Officer. This training must be renewed at intervals every three years.
- 12.6 The level 2 award food safety training certificate must be displayed conspicuously, adjacent to the Consent, in such a position that it can be easily read by customers.
- 12.7 Any trader failing to achieve a 3 star rating or above following a food hygiene inspection by Slough Borough Council Food and Safety Team shall make the necessary changes to their business and apply for a rating rescore within **3 months**.
- 12.8 Continued failure to achieve a 3 star rating or above will result in the automatic revocation of the Consent and/or refusal to grant further Consents to the individual(s) concerned by the Licensing Manager.

- 12.9 Anybody suffering from food poisoning, diarrhoea or more than one bout of vomiting must not work in any food handling area until they have been completely well for at least 48 hours.
- 12.10 Any open cuts, spots or boils must be covered with a clean, waterproof dressing to avoid contaminating food.
- 12.11 All applications for the grant or renewal of a Consent, where waste is likely to be generated from the product being offered for sale for example, burgers, kebabs, sandwiches and ice creams, shall be accompanied by a copy of a current waste transfer note, which must have been made with a licensed waste operator.

### **13. Age Restrictions**

- 13.1 During the hours that alcohol sales are permitted, a holder of a Personal Licence within the meaning of section 3 Licensing Act 2003 must be present at the point of sale.
- 13.2 The premises shall at all times operate a Challenge 25 policy to prevent any customers who attempt to purchase alcohol and who appear to the staff member to be under the age of 25 years from making such a purchase without having first provided identification. Notices advertising the Challenge 25 policy shall be displayed in prominent positions on the premises;
- 13.3 In conjunction with the 'Challenge 25, proof of age scheme', the consent holder must have a written refusals register, detailing each occasion where a challenge occurs. The log should include the date and time of the challenge and a brief description of the person challenged. The person refusing the sale shall also sign against the record of the refusal. This register is to be made available to any authorised officer of the Council, Police Officers and Police Community Support Officers on request.
- 13.4 For all other age restricted products, all persons who appear under the age of 18 shall be required to provide proof of their age, before a sale is commenced. This proof of age shall include a passport, a photo card driving licence or PASS hologram Card. No other proof of age shall be accepted.
- 13.5 Where proof of age is requested for the purposes of condition 13.4, a record in the same format as outlined at condition 13.3 above must be made.
- 13.6 There shall be no sale of alcoholic drinks in glass containers.
- 13.7 Alcohol shall only be sold in its original and sealed pre-packed container.

13.8 There shall be no facilities or containers for customers to decant alcohol into other containers.

13.9 The consent holder shall not engage in inappropriate discounting of alcohol or irresponsible alcohol promotions for example, sale of alcohol below cost price, discounted sales in the last twenty four hours of trading, large price reductions during the life of the street trading consent.

#### **14. Liquefied Gas**

14.1 Consent Holders shall ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas used in mobile catering units or similar units.

14.2 Consent holders shall ensure that they comply with the legal requirements and guidance on the safe use, handling, storage and transportation of liquefied petroleum gas (LPG). Further information can be found at [www.ncass.org.uk/mobile-catering-home/content/get-legal/law-pages/gas-safety](http://www.ncass.org.uk/mobile-catering-home/content/get-legal/law-pages/gas-safety)

#### **15. Generators**

15.1 Consent holders must not use mobile generators without written permission from the Council. Where permission is granted the generators must be positioned so that they do not present a danger to the public, do not present a fire or similar hazard to the unit, goods displayed thereon or adjoining premises and do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.

15.2 Combustible materials must not be stored in the vicinity of a generator and there must be suitable first aid and fire fighting appliance(s) available. Fuel must not be stored in the vicinity of a generator.

15.3 Generators must not be filled up during trading hours. The Consent Holder must ensure the generator is filled up before trading commences.

15.4 The Consent Holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.

15.5 Adequate precautions shall be taken by the Consent Holder to prevent the risk of an outbreak of fire at the unit/stall. Where a power source or heating appliance is present, for example a generator or bottled gas container, a suitable fire extinguisher shall be provided, kept by the unit exit and easily



accessible in an emergency situation. In addition, a fire blanket shall be provided in units selling hot food.

- 15.6 The Consent Holder shall provide the Council with a fire risk assessment detailing the precautions to be taken in the event of a fire.
- 15.7 Where an electrical generator or a connection is made to a permanent electricity supply the Consent holder you must ensure that the electrical installation is safe. A safety certificate from a competent person or body, such as an NICEIC or ECA approved electrician, must be provided annually.
- 15.8 At no time should electric cables be draped across roadway, public footpaths or any other area to which the public have access. If electrical cables are placed on the highway they must be concealed and not cause a trip hazard.

## **16. Refuse & Waste**

- 16.1 The Consent Holder and any nominated assistants employed by them shall keep the site clean and tidy and free from litter at all times and provide adequate facilities for the hygienic storage of refuse in the form of dedicated containers that cannot be used for any other purposes. The trader must ensure that the containers do not become overfilled and at the end of each trading day and/or as often as may be necessary during the trading day, properly dispose of all refuse including cooking oils etc. in an authorised manner. All refuse containers must be clearly marked.
- 16.2 The Consent Holder and any nominated assistants employed by them must not allow any silage water from washing of food equipment or hand washing to discharge into the ground the consent holder, must satisfy the Council that it has been disposed of appropriately.
- 16.3 No water, oils or waste material shall be discharged on to the highway or any adjacent property or into the drains.
- 16.4 Where it is identified that waste has been illegally discharged, the consent holder will be liable for the cost of removal or clearance of the waste, and the Street Trading Consent may be revoked with immediate effect by the Licensing Manager.
- 16.5 The Consent Holder and any nominated assistants employed by them shall comply with all requirements of the Environmental Protection Act 1990 with respect to Duty of Care.
- 16.6 The Consent Holder and any nominated assistants employed by them shall collect and similarly dispose of all wrappings and litter within a 5 meter

radius of the site (and beyond where it is the result of the trader's activities from the site) at the end of each trading day and as often as may be necessary during each trading day to keep and leave the street in a clean and tidy condition.

16.7 The Consent Holder and any nominated assistants employed by them shall take all reasonable steps to prevent the deposit of anything whatsoever on the highway which would cause damage to the highway. This shall include localised street washing in the event of spillage of vegetables, cooking oil, oil from vehicles, ice cream or similar materials. Drip trays should also be placed under any part of the trading unit or equipment used as part of the trading unit to prevent spillage and/or staining on the highway.

16.8 The Consent Holder and any nominated assistants employed by them shall comply with any reasonable directions given by the Council from time to time regarding the handling, storage and removal of the refuse.

## **17. Revocation and Refusal of Consent**

17.1 In the event of any breach or non-compliance with the provisions of the Local government (Miscellaneous Provisions) Act 1982 or the Terms and conditions of a Consent by the Consent Holder (including any persons associated with the Consent Holder) the Council may immediately revoke the Consent without notice and/or refuse to grant further Consents to the individuals concerned.

## **18. Offences**

18.1 Any person who contravenes a condition imposed under the Consent shall be guilty of an offence (Paragraph 7(9) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.

## **19. Convictions**

19.1 The Consent Holder and any nominated assistants employed by them must notify the Council in writing within 7 days of being convicted or cautioned of a criminal offence, following the grant of the consent or being approved as nominated assistant. This information is subject to the Rehabilitation of Offenders Act 1974.

## **20. Ice Cream Traders**

20.1 The chimes of an ice cream van shall not be used before 12 noon or after 7pm and shall conform to the Code of Practice of Noise from Ice Cream Chimes 1982. Further information can be found at

[www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes](http://www.gov.uk/government/publications/code-of-practice-on-noise-from-ice-cream-van-chimes)

20.2 The main points of the Code of Practice are:

Do not sound chimes

1. for longer than 4 seconds at a time;
2. more often than once every 3 minutes;
3. when the vehicle is stationary;
4. except on approach to a selling point;
5. when in sight of another vehicle which is trading;
6. when within 250 metres of schools (during school hours), hospitals, and places of worship (on Sundays and other recognised days of worship);
7. more than once every 2 hours in the same length of street;
8. louder than 80 dB(A) at 7.5 metres;
9. as loudly in quiet areas or narrow streets as elsewhere

20.3 Any person consented to sell ice cream may not sell or offer for sale any goods other than ice cream, frozen confectionery, confectionery, crisps and soft drinks.

## **21. Special Conditions**

21.1 When dealing with an application the Council can attach any specific conditions that are considered necessary for the consent because of the type of trading.

Extra conditions will be attached where the Council considers it necessary to:

- Maintain public safety.
- Prevent nuisance and anti-social behaviour.
- Preserve the amenity of the specific locality.

## **Warning**

Paragraph 10 (3) to the Local Government (Miscellaneous Provisions) Act 1982, provides that “**Any person who, in connection with an application for a street trading consent makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence**”.