

EARLY INTERVENTION DIRECTORATE

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
PART III - STREET TRADING
APPLICATION FOR STREET TRADING CONSENT**

GRANT / RENEWAL Application (delete as appropriate)

(Please use CAPITAL LETTERS)

NAME: _____

DATE OF BIRTH: _____ NI Number:

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ADDRESS: _____

POSTCODE: _____ TEL NO. _____

TYPE OF VEHICLE: _____ REG NO _____

ARTICLES TO BE SOLD: _____

IF NO VEHICLE, OTHER METHOD OF SALE: _____

WHERE AND WHEN DO YOU PROPOSE TO TRADE: _____

WHERE WILL THE VEHICLE OR UNIT BE STORED OVERNIGHT?

IF YOU STORE THE VEHICLE OUTSIDE OF CHORLEY BOROUGH AND SELL FOOD, PLEASE PROVIDE DETAILS OF YOUR FOOD REGISTRATION WITH YOUR REGISTERING LOCAL AUTHORITY _____

IF YOU TRADE OR INTEND TO TRADE IN ANOTHER BOROUGH PLEASE PROVIDE THE DETAILS OF THE LOCAL AUTHORITY/AUTHORITIES

IF ANYONE ELSE IS TO TRADE UNDER THIS CONSENT THEY MUST BE NOMINATED BY THE APPLICANT. PLEASE LIST THE NAME AND DATE OF BIRTH OF ANY NOMINATED PERSONS:

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

STREET TRADING CONDITIONS

The Council has adopted a system of street trading comprising of designated “prohibited streets” and “consent streets”.

1. PROHIBITED STREET

A “prohibited street” means a street or area in which street trading is prohibited. In Chorley the prohibited streets with are:

- (i) All land and streets in the open air, generally in the areas known as Rivington and Anglezarke within the Borough of Chorley. (Signs mark the approximate boundary of this area, further details are available from the Regulatory Services Team, telephone 01257 515151).
 - (a) There are three sites in this area where trading is permitted, these sites are let on a twelve month licence by Tender from United Utilities, Andertons Yard, Horwich - a street trading consent is also needed from Chorley Council.
- (ii) The area of land adjacent to the Market Walk Development in Chorley bounded by the Market Walk Development, the car park and New Market Street, Chorley.
- (iii) Streets in the area of the General Market, Chorley

Cannon Street	High Street
Chapel Street	Market Place
Cleveland Street	Market Street
Clifford Street	New Market Street
Fazakerley Street	Union Street
- iv) The M6 Services at Charnock Richard and the M61 Bolton West Services.

2. CONSENT STREET

A “consent street” means a street or area where trading is not allowed without the consent of the Council. A consent is a document issued by the Council.

In Chorley all streets other than prohibited streets are designated “consent streets”. This means that a person wishing to trade in those streets must obtain the consent of the Council.

A “street” includes any road, footway or other area to which the public have access without payment. Therefore, the Act can apply to public and private car parks, shopping centres and leisure areas. However, to trade in a private area you still need the permission of the landowner as well as a street trading consent from the Council.

There have been different interpretations as to what constitutes a “street” for a number of years. The law was clarified in 2009 by the case heard in the High Court, of West Berkshire District Council v Simon Paine [2009] EWHC 422 (Admin). The essential point from the case is that a “street” can include private land such as a private car park, even though the public might not be expected to enter the land, they can do so, without payment. It does not just mean land which is part of a highway. This means that a number of activities that have not previously been considered to require a Street Trading Consent,

EHFQ032- Jan 2017

will require one from now on. For example, parking on the private car parks of businesses, and selling goods to the employees, requires a Street Trading Consent.

You might also need planning permission if you want to trade from the same place on a regular basis or if you want to trade from a Council owned car park - contact the Council's Planning Section, Civic Offices, Union St, Chorley, telephone number (01257) 515151.

You should also contact Lancashire Highways Agency (Tel: 0845 0530011) to establish whether they have any comments regarding the proposed location of trading.

Exemptions

Street Trading means that selling or exposing or offering for sale of any article (including a living thing) in a street but this does not include:

- (a) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant, enactment or order;
- (c) trading in a trunk road picnic area provided under the Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading as:
 - (i) a petrol filling station
 - (ii) at a shop or on a street adjoining premises so used and as part of the business of the shop;
- (f) selling things, or offering or exposing them for sale as a roundsman. This means purely delivering goods which have been pre-ordered before you arrive at the premises, or delivering a regular order, such as with a milk round. Delivering a small amount of pre-ordered goods, when the majority of your business is to offer a range of goods for customers to choose from on site, does not qualify you as a roundsman.

3. GENERAL CONDITIONS TO A TRADING CONSENT

A consent will only be granted for a period of 12 months and may be revoked at any time for any reasonable cause, as determined by the Council.

The Council may, in granting or renewing a consent, impose such conditions as it considers reasonable.

The following standard conditions will apply:

- (a) A street trader shall not trade within 50 metres of a fixed retail shop selling similar goods as its principal business, during the shop opening hours for the particular shop.
- (b) Only those goods originally nominated by the applicant to be sold. Any changes to be notified to the Proper Officer by the consent holder before sales commence.
- (c) Nuisance or annoyance shall not be caused (whether to persons using the street or otherwise).

- (d) No obstructions of any street or persons using it shall be caused.
- (e) The trader shall display his/her name and consent number in a prominent position on the vehicle, cart, barrow or portable stall at all times when trading.
- (f) The trader shall produce, on the request of an authorised officer of the Council, evidence of his/her identity. A passport size photograph of the consent holder and any nominated persons must accompany the application form which will be used for this purpose if consent is granted.
- (g) The trader shall at all times ensure compliance with all legislation relevant to the conduct of the business, in particular:
 - (i) any vehicle used must be in roadworthy condition, taxed and insured.
 - (ii) any vehicle used shall not be sited in contravention of parking restrictions.
 - (iii) any loudspeaker may only be used in accordance with Section 62 of the Control of Pollution Act 1974, and,
 - (iv) any vehicle or stall used for the sale of food shall comply at all times with the Food Safety and Hygiene (England) Regulations 2013 and Regulation 852/2004 *Annex II* Chapter III.
 - (v) where food is being sold, the applicant must also be a registered food business, this must be in the local authority area where their registered office is (this may be their home address).
- (h) The trader shall provide adequate receptacles for rubbish and remove all rubbish deposited in the vicinity of the vehicle or stall.
- (i) Trading may only take place between the hours of 07.30am and 11pm on any day. Consent holders may apply to the Council for consideration to be able to trade outside of these hours. The Council reserve the right to revise any extended operation hours at any reasonable time.
- (j) The trader shall ensure that where food (including drinks) is sold, they achieve a minimum Food Hygiene Rating Score of 3.
- (k) Traders are expected to maintain high levels of good conduct and therefore must not interfere with any other trader in their lawful operations.
- (l) A trader will be required to provide a Disclosure and Barring Service Certificate with each application, including for any nominated assistant. The certificate must be less than 2 months old at the time of application. Any convictions will be referred to the General Licensing Sub-Committee for decision on whether the application will be granted or refused.
- (m) The trader must notify the Council of any charges or convictions which arise during the course of the consent, including for any nominated assistant, failure to do so will result in refusal to grant any future applications.
- (n) Where a street trading consent or licence has been revoked, either by Chorley Council, or any other authority, the Council will refer any such applicant to the

General Licensing Sub- Committee for a decision on whether to grant the consent.

NOTE The Council may vary these conditions at any time. The holder of any consent may employ any other person to assist him without a further consent being required. Such assistants to be nominated, a DBS and their photographs to be supplied with the application.

4. **APPLICATIONS**

Applications must be submitted on the official application form and be accompanied by the appropriate fee (See below). A passport size photograph of the consent holder should be included with the completed application form. A valid Disclosure and Barring Service (DBS) is also required before the grant or renewal of a consent.

A consent will not be granted to any person under 17 years of age.

A consent will only be granted for a period of 12 months, but can be revoked at any time.

The Applicant must provide a copy of the current Public Liability Insurance Certificate.

A consent will only be granted where the applicant provides a basic Disclosure and Barring Service (DBS- formerly the CRB) certificate, this must be less than 2 months old at the date of application, including for any nominated assistant. The applicant will be required to make an application for a basic disclosure through Disclosure Scotland using the following link <https://www.mygov.scot/basic-disclosure/apply-for-basic-disclosure/>

Where there are any convictions then the application will be determined by the General Licensing Sub-Committee.

Where a street trading consent or licence has been revoked, either by Chorley Council, or any other authority, the Council will refer any such applicant to the General Licensing Sub-Committee for a decision on whether to grant the consent.

5. **FEES & CHARGES PAYABLE**

Applicant residing within the Borough	£440.50 per annum
Applicant residing outside the Borough	£562 per annum

If consent is surrendered or revoked during the 12-month period, the Council will charge an administration fee of £62. Surrendered consents will be charged for whole and part months when trading has taken place.

6. **PENALTIES FOR NON-COMPLIANCE**

It is an offence to:

- (a) Engage in street trading in a prohibited street.
- (b) Engage in street trading without consent in a street.
- (c) Make any false statement in an application for consent.
- (d) Engage in Street Trading from a vehicle, cart, barrow or portable stall without a consent permitting it.
- (e) Contravene conditions relating to the time and place of trading from a vehicle, cart, barrow or portable stall.

The maximum fine on summary conviction is £1,000.

Further advice and information is available from the Regulatory Services Team, Early Intervention Directorate, Tel: (01257) 515151.

STREET TRADING CONSENT GUIDANCE NOTES

FOOD SAFETY AND HYGIENE (ENGLAND) REGULATIONS 2013 REGULATION (EC) 852/2004 ANNEX II CHAPTER III

1. High risk foods, eg cooked meats, uncooked pies and pasties, quiches, soft cheeses, prepared vegetable salads, egg mayonnaise, fresh cream cakes, sandwiches containing high risk foods etc must be stored at not more than 8°C as soon as possible after arrival on the vehicle or stall. A thermometer should be provided for each refrigerator. If any of these foods are intended to be sold hot, they must be kept at not less than 63°C whilst awaiting service.
2. Hand washing facilities and facilities for the washing of food and equipment are required on the vehicle or stall.
3. Interior wall and roof surfaces must be in good order, repair and condition to enable them to be effectively cleaned eg laminated plastic with sealed joints, or any smooth impervious hard finish.
4. The floor must be in good repair and condition to enable it to be effectively cleaned, eg metal, heavy duty vinyl with as few joints as possible.
5. Work surfaces and shelving must be covered with a suitable impervious material eg stainless steel or laminated plastic. Legs to the above should be gloss painted or covered with an impervious material which can be effectively cleaned.
6. The interior of the vehicle must be kept clean at all times.
7. There must be adequate natural or artificial lighting provided.
8. All containers for foods must be of such a type to prevent any contamination of the food, and be kept clean.
9. Refuse containers must be provided, with tight fitting lids, inside the vehicle, and outside for use by customers if the vehicle is parked for any length of time.
10. Food should not be placed so as to involve risk of contamination.
11. Any unfit or unsound food must be kept apart from any other food.
12. Open food eg sandwiches, cakes, biscuits etc must be kept covered whilst exposed for sale with a suitable clean cover.
13. No live animal shall be carried in a food vehicle.
14. Wrapping materials or containers must be clean and not allow any contamination of the food. Any printed material eg newspapers must not be used to directly wrap food in.

PERSONAL HYGIENE REQUIREMENTS

1. A clean and washable overall must be worn at all times.
2. Keep all cuts and abrasions covered with waterproof dressings.
3. Smoking is prohibited within the vehicle at all times.
6. If a food handler becomes aware that they are suffering from any food poisoning type illness they must notify the owner of the business and refrain from work. They should not return to work until they have been given medical clearance by their GP.

If they have salmonella, dysentery or staphylococcal infection they must notify the owner of the business who then must notify the Environmental Health Officer. They must refrain from work until cleared by the Officer.

FOOD REGISTRATION

If food intended for sale from a vehicle or stall etc, is stored elsewhere than shop premises, the Local Authority must be informed so that the storage premises can be inspected by an Environmental Health Officer.

Under the Regulations, the premises where the vehicle is normally kept will have to be registered. Forms are available from this department if the vehicle is kept in the Chorley Area. There is no charge for registration. If you do not keep your vehicle/trailer/stall within the Borough of Chorley, please contact your local Environmental Health Department.

GUIDANCE NOTES FOR HEALTH AND SAFETY PRACTICES IN MOBILE FOOD VEHICLES

GENERAL REQUIREMENTS

1. Employers have a legal duty to employees including the provision and maintenance of plant and systems of work, provision of training and supervision, safe handling and storage of substances and articles and provision of a safe working environment.
2. Employers and the self-employed have a duty not to expose persons not being employees to any risk to their health and safety. Includes, members of the public and patrons of the food business.
3. Employees must safeguard themselves and their colleagues and co-operate with their employer in connection with those duties imposed upon them.
4. As from 1 April 1996, the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires that Chorley Council are notified of:
 - (i) All injuries to employees or self employed persons which result in more than seven days off work should be notified within ten days of the accident, using Health and Safety Executive website.
 - (ii) All fatalities and specified major injuries to employees or self employed persons, all specified dangerous occurrences, and any incident arising from work where a member of the public is killed or taken to hospital direct from site. Notification in these instances must be made immediately by the quickest practicable means (usually telephone) and followed by formal notification within ten days.
 - (iii) Certain prescribed industrial diseases, for more information see HSE website.
5. The Health and Safety (First Aid) Regulations 1981 place a duty on employers and the self-employed to provide a clean first aid box containing only specified first aid materials (ie no medicines, tablets, antiseptic etc) and a guidance card on emergency first aid. In addition, employers must nominate as a minimum, a person to look after the first aid equipment, and to call the emergency services if necessary. Notices should be displayed giving the location of the kit.
6. The Electricity at Work Regulations 1989 place a duty on employers and the self employed to ensure the safety of all electrical equipment. Planned routine maintenance is essential, and regular checks should be made to ensure the safety of equipment and the electrical installation.
7. The Control of Substances Hazardous to Health Regulations 2002 place a duty on employers and the self employed to assess the potential health risk to employees and others by work with hazardous substances and to control those risks identified and monitor the effectiveness of any control measure introduced.
8. Any vehicle or trailer used must be so constructed and maintained as to be roadworthy.

LIQUEFIED PETROLEUM GAS (LPG)

1. Increasing concern is shown over the safety of LPG installations. LPG is a convenient, easy to handle fuel but it is a potentially dangerous substance. LPG takes the form of commercial propane, marketed in red or orange cylinders, and commercial butane, marketed in blue, green or yellow cylinders. The principal danger lies in the release of gas into a confined space, which can result in a fire or explosion risk. LPG is heavier than air, therefore leaking gas will usually descend.
2. The installation of gas appliances, flues, pipework, valves etc must be undertaken by a competent person (Gas Safe registered) and should comply fully with all relevant British Standards.
3. Regular maintenance and examination of the installation should be carried out, including leak testing by the use of soapy water or similar. Naked flames must never be used.

LPG STORAGE ACCOMMODATION

1. Containers or cylinders of LPG and any manifold and changeover valves must be positioned in the open air or separate ventilated housing outside the body of the vehicle.
2. The ventilated housing may be recessed into the body of the vehicle, but must be sealed from the vehicle so that escaping gas cannot be released within the vehicle itself. Ventilation to external air may be achieved by ventilating the base or the side away from the vehicle, or both, using reinforced mesh or similar strong supporting construction. Ventilation at low level is very important.
3. All cylinders must be securely attached to the vehicle with their valves uppermost and be readily accessible to permit the changing or quick removal when necessary.
4. The compartment or housing construction must be of non-combustible material giving at least 30 minutes fire resistance, located to prevent damage to cylinders if subject to impact during a RTA. Joints to be bonded or fire-stopped to prevent fire or hot gas spreading into the vehicle.
5. Access to the housing should only be from the outside of the vehicle, be secure to prevent tampering, but containers must be accessible in emergencies. The access point should be located on the nearside of the vehicle to minimise the risk of the operator being struck by a passing vehicle when changing the cylinders.
6. A Notice should be fitted to the outside of the housing to indicate the presence of LPG. Pictorial signs must comply with the Health and Safety (Signs and Signals) Regulations 1996.
7. Sources of ignition must be prohibited within one metre from the storage housing:
 - (i) The exhaust pipe may require shielding to prevent it becoming a source of ignition.
 - (ii) No part of the electrical installation must pass through the housing unless protected from mechanical damage.
 - (iii) The battery must be positioned away from the housing to prevent the risk of ignition of any escaping gas.

PIPEWORK AND JOINTS

1. Pipework should be LPG compatible, adequate rating and resistant to corrosion and abrasion, supported at intervals of not more than one metre, or 500mm in the case of soft copper.
2. Pipework passing through walls or partitions must be protected by grommets to prevent abrasion or fracture. Pipework passing beneath the vehicle must be installed to prevent mechanical damage from debris such as flying stones.
3. Pipework and fittings should be of solid drawn copper tube with copper or copper alloy fittings, or stainless steel tube and appropriate compression or screwed fittings. Copper pipework should not be exposed to temperatures above 100°C.
4. Every pipe containing LPG should terminate with a readily accessible shut-off valve or tap immediately before the appliance, in a readily accessible position. Taps should indicate clearly open and shut positions, and directions they must be turned to close them.
5. A shut-off valve should also be fitted prior to the first appliance on the line from the cylinders.

FLEXIBLE HOSES

1. Lengths must be kept to a minimum for essential flexibility.
2. High pressure hoses must be provided with integral threaded ends.
3. Low pressure hoses must be joined using either integral threaded ends, crimping or use of suitable hose clips (not of the worm-driven type).
4. Flexible hoses should not be used when temperatures exceed 50°C unless braided or armoured.

APPLIANCES

1. Appliances must be:
 - (i) Securely fastened to the vehicle.
 - (ii) Sited so as to allow easy access so that, in an emergency, the means of escape is not endangered.
 - (iii) Installed, maintained and serviced, in accordance with the manufacturers instructions.
2. Appliances must not be sited in a position where heat from them may create a fire hazard or cause damage to surrounding material.
3. A flame failure device, which shuts off the supply of gas if the flame is extinguished is recommended to each appliance in all cases.
4. Appliances should not be lit whilst the vehicle is in motion, except that LPG fuelled refrigerators may be used on the road provided that:
 - (i) A flame failure device is fitted and an adequate flue is provided.
 - (ii) It is properly secured, and does not show naked flame.

5. Refrigerators, when used on the road, are recommended to have an additional air intake of not less than 13cm² (1,300mm²) fitted in the floor of the vehicle below the refrigerator, but this must be sited so as to prevent a draught extinguishing the burner or pilot flame.
6. It is encouraged that a 12v battery source is used on freezer and refrigerators whilst vehicles are in motion.
7. Frying ranges should be fitted with:
 - (i) An automatic high temperature limit device which will shut off the main burner if the temperature exceeds 230°C.
 - (ii) An automatic temperature control to maintain the temperature of the frying medium, with a maximum setting of 205°C.
8. Alternatively, a tap or valve should be fitted to control the main burner, together with a visual temperature indicating device incorporating an alarm mechanism if the temperature of the frying medium exceeds the pre-set value.

GAS SAFETY

MAINTENANCE AND INSPECTION BY EMPLOYERS AND USERS

1. Regulation 35 of GSIUR requires employers to ensure that gas appliances, flues, pipe work and safety devices are maintained in a safe condition. They should be inspected by a competent person in accordance with current industry practice. Periods between inspections may vary depending on the equipment and its use and should follow manufacturer's recommendations, but as a general rule **annual inspection** will be a reasonable minimum frequency.
2. It is the responsibility of the street trader to ensure that the competent persons carrying out the inspection and maintenance of the appliances are registered with Gas Safe and hold the qualification of Commercial Catering and LPG. More information can be found on the Gas Safe Register website at www.gassaferegister.co.uk/ or alternatively contact the Public Protection team at Chorley Council on 01257 515151.
3. A copy of the inspection report should be kept with the vehicle / trailer and made available for inspection at any reasonable time by an authorised officer.

VENTILATION

1. Adequate ventilation must be provided in every vehicle compartment where LPG fuelled appliances are used.
2. Suitable flues must be fitted to all appliances where required and flueless appliances avoided.

FIRE PRECAUTIONS

1. Clear written instructions must be displayed inside the vehicle, detailing the action to be taken in the event of fire or gas leakage.
2. A fire blanket should be provided, especially where frying is undertaken.
3. A dry powder fire extinguisher of 4.5kg capacity should be a minimum provision and will be suitable for both LPG and fat fires. The extinguisher must be located in a readily accessible position adjacent to the exit.

4. Access to and from the vehicle should be safe and free from obstructions.