

Conditions with Regard to Street Trading Licences & Consents

Local Government (Miscellaneous Provisions) Act, 1982 (the Act)

A. Definitions

1. Operator means the holder of a street trading licence or consent and all his employees or agents.
2. Licence – includes a street trading consent.
3. Vehicle – includes any stall, barrow, cart etc, used in connection with trading.
4. Trading – the offering for sale of any goods or items including food.
5. Street – shall include any area to which the public has free access without payment.
6. Any other term not defined in these conditions shall have the same meaning as in the act.

B. General

1. The operator must make his licence available at all times to any authorised officer of the council or police officer.
2. The licence/consent disc provided by the council shall be displayed at all times in a visible place on the vehicle.
3. The operators licence must be forwarded to the local authority before 31st March each year for renewal.
4. The times and areas defined on the licence must be strictly adhered to.
5. Any granting by the local authority of a licence/consent does NOT imply any permission whatsoever with regard to planning permission under the Town & Country Planning Acts.
6. The granting of a licence/consent does not give any authority to infringe any by-laws, regulations or statutes whatsoever and the same must be strictly observed.
7. The operator shall comply with all reasonable requests made by authorised officers of the council and police officers.

C. Environmental Health

1. The operator (where trading in food) shall at all times observe the provisions of all relevant regulations passed by virtue of the food and drugs Act 1953, these include The Food Hygiene (general) Regulations, 2006 and the Food Hygiene (Markets, Stalls and Delivery Vehicles) Regulations, 1990.
2. The operator shall not cause a nuisance of any kind. If such a nuisance is being caused the permitted site can be changed.
3. The operator shall ensure that no refuse waste is dropped from the vehicle and shall ensure that any litter deposited near the vehicle shall be removed at regular intervals and in particular at the close of trading.
4. The operator shall at all times comply with the reasonable instructions of officers from Environmental Health and consumer services.
5. All premises within the borough used for the storage of food must be registered with Environmental Health and Consumer Services.
6. No waste water is to be discharged from the vehicle.
7. The vehicle shall be available at any reasonable time for inspection by officers from Environmental Health and Consumer Services.
8. Suitable food storage premises should be provided and shall be to the satisfaction of officers from Environmental Health and Consumer Services. Domestic accommodation is not suitable.

D. Planning & Transportation

1. The granting of a street trading licence does not give any permission (express or implied) for the operator to infringe any Traffic Regulation Order.
2. All parking restrictions in any street must be strictly adhered to by the operator.
3. The operator of the vehicle must not obstruct the free flow of pedestrians at any time.
4. The operator must not park or site their vehicle within 200 metres of any school entrance.
5. The operator must not trade from a point within 200 metre of an existing trader of a similar nature.

(Note: this condition does not apply in respect of sites in Walsall Town Centre. A full consultation exercise will be undertaken before an approval is given to the scale of any commodity to be sold from street trading sites in Walsall Town Centre.)

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6. The operator must not park or site their vehicle on a classified road or prohibited area at any time.
7. The operator must comply with all reasonable instructions given by officers from Planning & Transportation services regarding the initial location and relocation of sites and other such related matters.
8. The type and appearance of units by licence holders (static traders only) to be approved by officers from Planning & Transportation services.

(**N.B.** The criteria for determining compliance with the above condition is detailed below);-

- (a) mobile units only to be used (i.e all units must be on wheels so that they can be moved quickly in an emergency);
 - (b) all units must be free standing;
 - (c) stands which are to be assembled on site are not to be used;
 - (d) The appearance of all units must not be detrimental to the existing properties in the area in which the units are located.
9. The following condition will be applied at the discretion of Planning & Transportation Services:
- A licensed vehicle must not be parked or sited within 20 metres of any road junction.*

E. Public Liability Insurance

All street traders are required to provide original documentary evidence to confirm that public liability insurance has been arranged in the sum of £5 million.

F. Environmental Health Conditions on Chimes & Loudspeakers

The following conditions apply to ice cream vans and any other vehicle from which food will be sold using a chime or loudspeaker.

1. The loudspeaker should only be operated between 12:00 pm till 19:00.
2. The loudspeaker is fixed to a vehicle used for the conveyance or sale of perishable food.
3. The loudspeaker is used solely for informing members of the public that goods are for sale.
4. The loudspeaker is not operated in a way as to give rise to annoyance to persons in the vicinity.

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5. The volume of the chime or music must be carefully adjusted so as to avoid distortion of the sound.
6. The noise level from a loudspeaker should not exceed 80 dB(A) in any direction.
7. The chime must not last more than 4 seconds.
8. The chimes must be played only once on the approach to each stopping place, never when the van is stationary, and never at intervals of less than 3 minutes.
9. The chimes should not be played when in sight of another van which is also in operation.
10. The chimes should not be played within 50 metres of any hospital.
11. Chimes should not be played within 50 metres of a school during school hours.
12. The chimes should not be played within 50 metres of a place of worship on a recognised day of worship.