Rushcliffe
Borough Council

Neighbourhood Services
Street Trading Policy

2025-2030

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Any necessary changes following approval will be shown in the Change/Amendment Log below:

Paragraph Numbers Amended	Description of change	Date	Authorised by	Comments
Page 7	Exemptions to certain low scale sales e.g. cake sheds inserted	6/11/2026	DB	

Authorised by: David Banks
Director - Neighbourhoods and Deputy Chief Executive

Signature 

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Introduction

Purpose

The aim of the Council's Street Trading policy is to create an environment which compliments premises-based trading, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments.

This policy has been developed to ensure that street trading consents are granted in accordance with the policy and to assist persons applying for street trading consents in Rushcliffe.

Definitions of terms used in this policy

Within the terms of the Rushcliffe Borough Council's Street Trading consent Scheme the following definitions apply:

The Council	Means Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street, Local Government (Miscellaneous Provisions Act) 1982
Street	Includes: (a) any road, footway, beach or other area to which the public have access without payment. (b) A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.
consent Street	Means a street in which street trading is prohibited without the consent of Rushcliffe Borough Council.
consent	Means a consent to trade on a street by Rushcliffe Borough Council.
consent holder	Means the person or company to whom the consent to trade has been granted by Rushcliffe Borough Council.
Static Street Trader	Means a trader granted permission by Rushcliffe Borough Council to trade from a specified position.
Mobile Trader	Means a trader who moves from street to street but trades for less than 60 minutes at any one point and does not return to a similar trading position within 2 hours.
Authorised Officer	Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

A Pedlar

A pedlar is a trader who must:

- keep moving, stopping only to serve customers at their request
- move from place to place and not circulate within the same area
- hold a valid pedlar's certificate, issued by a Chief Constable of Police.

What is street trading

Street trading means the selling, exposing or offering articles for sale on roads, pavements and other areas to which the public have unrestricted access without payment. The law applies equally to public and private land.

A "Street" is defined as any road, footway, beach or other area to which the public have access without payment (this includes private land), and a service area as defined in Section 329 of the Highways Act 1980.

The Council has determined under the Local Government (Miscellaneous Provisions Act) 1982 that all of the streets in the Borough are designated as "consent Streets" or "prohibited streets", which in effect means that no trading (**unless exempted**) may take place without the Council having first issued the appropriate Trading Consent to the trader and on prohibited streets no street trading can take place.

Exempted Street Trading Activities

The following street trading activities are legally exempt from the requirement to obtain a prior consent from the Council:

1. Trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
2. Anything done in a market or fair, the right to hold which, was acquired by virtue of a grant (including presumed grant) or acquired or established by an enactment or order.
3. Trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980.
4. Trading as a newsvendor.
5. Trading which:
    a. is carried on at premises used as a petrol filling station; or
    b. is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business or shop.
6. Selling things, or offering or exposing them for sale, as a roundsman.
7. The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.
8. The operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980.
9. The doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

With regard to point 6 above it has been established in law that mobile ice cream sales normally will not be deemed to be exempt from street trading controls because they are not roundsmen.

Markets/ Markets Charters

Markets (including Temporary Markets) and Special Events **operated and promoted by Rushcliffe Borough Council** held in the Borough fall outside of the scope of the Street Trading Policy.

A market is comprised of not less than five stalls, stands, vehicles or pitches from which articles are sold and may sometimes be held as part of a wider event.

Rushcliffe has no rights to hold a market under a charter.

However, within Rushcliffe, Bingham was granted a Market Charter in 1314 and a market was held here until the end of the 19th century. The market was revived in 1975 and the bustling Thursday market is an attractive feature of Bingham today. The large open Market Place lies at the heart of the Conservation Area, and its octagonal Butter Cross is a distinctive focal point. Other markets held in Rushcliffe are listed at Markets and Fairs.

Nottingham City Council is the owner of Market Rights granted by Royal Charter and also under the 1984 Food Act. Any person or organisation wishing to operate a rival market within 6⅔ miles of one of the council's markets may only do so with the Council's agreement. A licence can be issued which will waive the council's right to take legal action for that event. See http://www.nottinghamcity.gov.uk

The Council can seek legal protection from any violation of those rights, i.e. any rival markets. This protection extends to 6⅔ miles from any City Council run market including the Sunday Colwick car boot sale and so extends beyond the Council's local government boundary.

The licence only relates to the Council's market rights. The organiser must obtain any other consents and permissions needed, whether statutory or private.

Similarly, East Leake, and surrounding villages, falls under the market charter restrictions from within the Loughborough area.

See Charnwood Borough Council - rival markets

Should an individual trader wish to trade or an event take place in these areas outside the scope of the market charters, then they will be subject to the street trading scheme and will require a consent from Rushcliffe Borough Council.

Other Street Trading consents for which fees are not payable

The following Street Trading activities do not require the payment of fees to the Council; however, a standard administration charge may still be payable, please refer to the fees and charges section:

1. Non-Commercial (community) Car Boot Sales.
2. Sales of articles by residential occupiers within the curtilage of their properties, or on land contiguous with it.

One-Off and Community Based Events

One-off events that are essentially non-commercial would not normally be considered to be street trading (street trading implies a degree of regularity) and therefore would be outside of the scope of the scheme and not require any form of street trading consent. If the purpose of the event is more than a one-off event or is of a commercial nature, then it would be caught by the policy and an application required. A letter of intent/confirmation from the community organisers would usually be required. It is assumed, or strongly advised, that the community event organisers will have consulted with residents and businesses prior to holding the event.

Car Boot Sales

Where the events are of a commercial nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Farmers Markets

Where the events are commercial in nature and operating on a more regular basis than a one-off, then the event will require a street trading consent.

Paying for access

Any event which can restrict access to those persons who pay an entry fee would be legally exempt from any street trading provisions and therefore would not require a street trading consent.

Trading on private land

In order to trade on private land (including car parks) within Rushcliffe Borough Council, you will also be required to produce written permission from the landowner before the Council can consider the site suitable for trading.

Applicants should note that planning permission may be required separately for the proposed trading site subject to this licensing application. Planning permission is usually required for the siting of trading units on private land and are liable to planning enforcement action if no planning permission is granted.

Each case will be considered on its own merits with a copy of the full planning decision required for the Council to make a decision.

Domestic premises and small-scale sales outlets (e.g. Cake Sheds):

Scope and application

The purpose of the street trading policy is to enable control and mitigate significant effects from street trading activities. It is not the intention of this policy to regulate small scale minimal impacting activities such as the surplus sale of produce or similar.

However, for the purposes of this Policy, the sale, exposure for sale or offering for sale of food, drink or other goods from domestic premises *may* constitute street trading where the place of sale is a street within the meaning of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. This *may* include trading from structures or facilities commonly described as cake sheds, honesty boxes,

garden kiosks, converted outbuildings, garages, sheds, or similar facilities where there is **significant** impact or **likely significant impact** would occur.

An activity may originate as an occasional, small-scale hobby or community undertaking without initially being intended to operate as a commercial enterprise and so may require a licence if significant impacts occur at any point.

The Council will determine whether a Street Trading Consent is required by applying Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 to the facts and circumstances existing at the time of the activity. However, the intent being that small scale non impactful operation shall not be regulated.

When consent is required

Where the sale, exposure for sale or offering for sale of food, drink or other goods takes place in a consent street, a Street Trading Consent will be required unless the activity is exempt under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or meets the local exemption requirement in the paragraphs above on domestic premises and small-scale sales outlets

However, street trading may not take place in a prohibited street

The Council will determine each case on its individual circumstances, having regard to the nature, purpose, scale, frequency, and development of the activity rather than solely to the operator's description of it.

Assessment of individual cases

In determining whether an activity falls within the street trading regime and requires a Street Trading Consent, the Council will consider the circumstances of each case, including:

- the purpose for which the activity was established, including whether it originated as a personal hobby, community initiative or other non-commercial undertaking, and the extent to which its nature, scale or operation has subsequently changed.
- whether the sales activity is available to members of the public without prior appointment.
- the frequency and regularity of the trading activity.
- the basis on which money or other consideration is received, including whether receipts are intended only to recover costs or produce a surplus, while recognising that profitability or an intention to make a profit is not a necessary condition of street trading.
- the scale of the operation and the volume of customer visits.
- any advertising or promotion directed at the general public.
- the location of the sales outlet and its accessibility from a public highway or other area to which the public have access without payment.

- whether the activity is ancillary to the residential use of the premises or has developed into a distinct trading activity; and
- whether any exemption in Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 applies.

Alcohol restriction

Any drink sold, exposed for sale, or offered for sale under this section must not contain more than 0.5% alcohol by volume.

A drink exceeding that limit is not permitted under this provision, and any proposed supply is subject to all applicable authorisations and requirements under the Licensing Act 2003.

Compliance with other legislation

Nothing contained in this policy shall relieve or excuse the consent holder or his/her employees or agents from any legal duty or liability under another provision e.g. Food Safety or Health and Safety.

Application & Procedure for determining Street Trading Consent

Application process

The application process for new, renewals or transfers is by application and must be accompanied with the correct fee. The procedure set out in the following flowchart will be followed. For renewal or transfer certain aspects of the process may not be required as set out in the notes to the flow chart below. The applications forms are available at Street trading pages and application form.

Submission of application

An application for a street trading consent must be made to Rushcliffe Borough Council in writing or submitted online. The application forms are available online at Licensing - Street Trading

Applicants will need to submit the following documents and fees with the application:

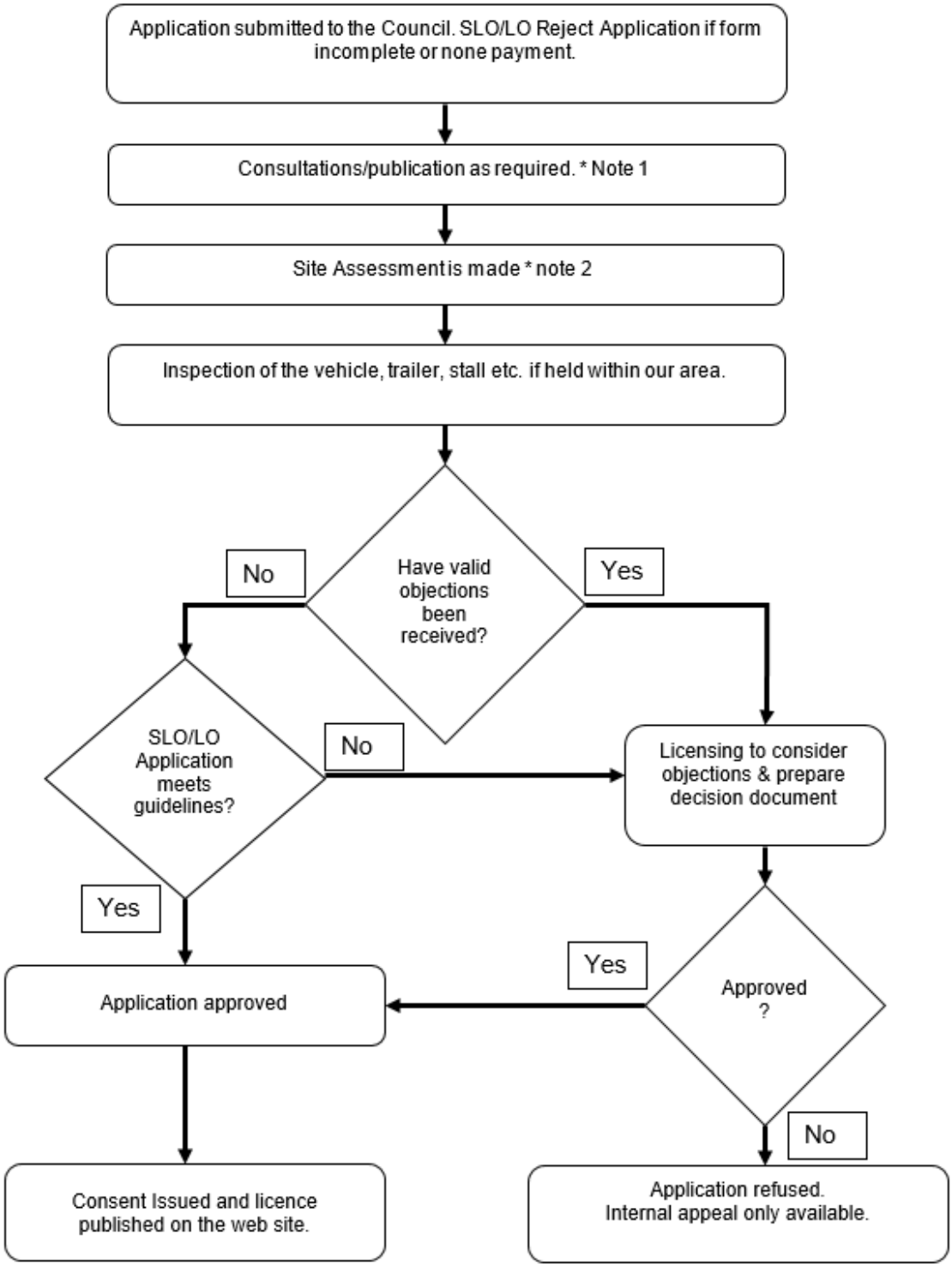
1. A completed and signed street trading consent application form.
2. Proof of current address and identity will be requested at this stage (Original banks statements or utility bills, dated within 3 months of the application).
3. Proof of eligibility to work in the United Kingdom and sign a declaration to that effect.
4. A Payment of the annual fee with the application. The fee will be refunded if the application is withdrawn or refused less the admin charges. Fees for trading periods of less than 15 days will require submission of the full fee with the application.
5. Where the proposed street trading activity is from a fixed position, 1 copy of a map. The map should clearly identify the proposed site position by marking the site boundary with a red line.
6. Four different colour photographs of the stall, van, barrow, cart etc. that will be used for the street trading activity (Showing All sides).
7. An original copy of the certificate of insurance that covers the street trading activity for Third Party and Public Liability risks up to a maximum of £5,000,000. This includes block consent applications which must cover all types of anticipated trading. At the point of application for a consent a quote will be accepted but no consent will be granted without an original certificate of insurance being seen.
8. Written permission from a landowner if the street trading activity is to be carried out on private land or from any road /layby within the borough (VIA Nottinghamshire County Council)
9. Block consent applications will require colour photographs of the area the consent is being applied for.
10. Mobile catering vehicles and Ice cream vans will require a valid MOT certificate.
11. For **Ice Cream vendors** and **traders with the primary objective of selling to children** a basic criminal background check (DBS) on the applicant/vendor will be required. The check will not be accepted if it is submitted later than 12 months from the date of issue of the check.
12. Block consent applications will require proof that all food traders are registered with a Local Authority.
13. Written permission for toilet provisions for the street trader and all staff to use may be required.

14. For trade waste, original proof of a contract set up with a trade waste collection contractor.

Where available all application will be by online application. If not available applications should be made in person or by post to the Council at:

Rushcliffe Customer Service Centre, see Find and Contact Us - Rushcliffe Borough Council**.** An appointment is necessary if visiting the office for advice or assistance.

Flow chart for application process



Note 1 Renewals consultation not required
Note 2 For Transfers site assessment may not be required

Notes on application process

To apply for a renewal application for a street trading consent the applicant will need to submit relevant application and supporting paperwork at least 8 weeks before the expiry of the current street trading consent. Data is subject to Appendix E Data Protection Privacy Notice requirement subject to legal exemptions.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place; failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Should a consent holder wish to transfer a current street trading consent into another person's name, then a transfer form will need to be completed with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and it will require a fee to be paid.

Please note, should the Police object to the change of ownership then the trader may be requested to cease trading until such time the application has been determined by the Council.

In addition, should the new applicant wish to operate under different hours to those currently on the street trading consent, then a new application will be required. This may result in the request to cease trading until determination of the application. Please note this would include a full consultation with any or all of the "Responsible Authorities and other persons" listed on page 17.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken.

No changes to mode of operation or hours will be permitted through the transfer of consent process.

Refunds

Where a consent is surrendered, the council may remit or refund, as they consider appropriate.

The application fee may be refunded if the application is withdrawn prior to being issued less any administrative charges or other costs incurred.

Where an application is refused/revoked the applicant will not be refunded any application element of the fee.

Types Of consent

There are three different types of consents that can be applied for, they are Static consent, Mobile consent and Block consent.

Further details of each are provided below:-

Static consent

Static consents are applied for by traders who want to trade from one specific location. An example would be a fast-food van which trades every day from the same

lay-by. Please note, even though a static consent allows you to trade from a specific location, the unit must be moved from the trading site outside of permitted trading hours.

Mobile consent

Mobile consents are applied for by traders who want to trade from numerous locations for a short period of time. An example would be someone who trades from an ice cream van.

It is expected that a mobile trader will move from street to street and will only remain for the period in which sales are being made. There are conditions in force to ensure this.

Block consent

Block consents are often applied for by organisers of street trading events involving more than one trader. For block consents, the organiser is responsible for all street trading and is liable for any potential breaches of conditions.

It is a requirement for organisers of block consents to keep an up-to-date list of all traders operating at any one time. This list must be presented to the Police or Council Officers upon request.

Applications will be considered from organisers of Markets (outside the scope of the market charters), Car Boot Sales, Fetes, Carnivals and similar Community Events on the basis of one Block consent for the market or event in question. The market or event organiser in receipt of a Block consent will become responsible for all of the individual trading activities, including the collection and payment of the relevant fees to the Council, where appropriate.

Applications for block consents must also include Third Party and Public Liability insurance covering all traders, or individual insurance for all traders.

A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided 5 working days before the consent is used.

Where an application is made for the grant of a street trading consent for the first time, applicants **should give a minimum of eight weeks' notice** of the application to:
NB If you are visiting the offices please go to the Rushcliffe Customer Service Centre see Find and Contact Us - Rushcliffe Borough Council.

Telephone 01159 819911

E-mail licensing@rushcliffe.gov.uk

Changes to trading hours

Should the applicant wish to extend trading hours then a full application will need to be submitted and will be treated as a new application unless at the discretion of the Licensing officer the variation is considered to be minor.

When applying for additional hours, the Council will determine each application on its own individual merits. Generally, street trading will only be permitted between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

Surrendering of Street Trading consent

Should an applicant no longer wish to hold a street trading consent, they will need to provide written confirmation of this fact detailing the last trading day.

Once they have ceased trading, they will be required to return their Street Trading consent plate and paper consent to the Council within 7 days of your last trading day.

Once written confirmation has been received to cease trading on a site, new applications will be considered for the location.

Choosing a Location To Trade

When choosing a prospective pitch/location and deciding on the hours to trade, it is advised that you consider a number of issues, some of which are:-

- Would the proposed location have a detrimental effect on road safety?
- Would the proposed location obstruct pedestrian or vehicular traffic?
- Are there current or planned traffic orders or waiting restrictions in place?
- Would the proposed location affect local residential or business properties for example with noise, traffic, odour etc.?
- Would the proposed location potentially increase public order problems?

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) will likely be refused for locations that are deemed to be:

- In close proximity to a place of worship.
- In close proximity to a place of education.
- In close proximity to a place of healthcare.
- In close proximity to a place of cultural or historical local / national
- significance.
- In close proximity to primarily residential properties.
- In close proximity to a business offering the same goods / services.
- Likely to undermine the safety and / or convenience of the general public and / or road users.

Nottingham Forest and Trent Bridge Street Trading.

There is a higher demand for street trading in these areas during events and a number of streets are prohibited streets to protect the residents in the area and promote the objectives of the council. The prohibited streets are shown in Appendix A. Sites around these areas for street consent are therefore limited.

During other events at the City Ground or Trent Bridge the Safety Advisory Groups or the police will request street trading will not take place at certain times or during events. As such any licences issued in this area see (https://www.rushcliffe.gov.uk/privacy/)

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford) **will/may not be able to trade during these periods or will have a consent which limits dates and trading times.**

Hours

The Council will determine each application on its own merits but generally will only permit street trading between 06:00 hours and 23:00 on any one day.

Any trading outside of these hours will have to be approved by the Council.

Please note that should an application be received for a street trading consent to sell hot food and/or drinks between the hours of 23:00 hours and 05:00 hours the applicant will also be required to apply for a Premises Licence under the Licensing Act 2003.

Appeals

Appeals to any decisions are to the Council within 21 days by the applicant from the date of any determination of any application or issue of refusal or revocation letter/notice.

Disclosure and Barring Service (DBS) check

A DBS check from Disclosure England will be required for certain street trading consents considered a higher risk. Where this applies a DBS will be required with each grant or renewal application for the applicant.

Ice Cream vendors and **traders with the primary objective of selling to children** will require a DBS

Request a copy of your criminal record check.

The street trading application form requires a declaration to be completed by the applicant to confirm that they have not received any convictions and/or cautions or to list any they have. The applicant must also provide a list of all working assistants associated with the street trading consent, as detailed in the conditions.
When considering the relevance of convictions and cautions the Council will have regard to **Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions**

In assessing whether an applicant is a "fit and proper" person, the Council will consider each case on its own merits.

The Council will take account of unspent convictions and cautions, but only as far as they are relevant to an application for a consent to determine if the applicant has demonstrated being a "fit and proper" person to hold a consent. See **Appendix C Policy for determining the Relevancy of Criminal Convictions** for further detail.

Consultations

Before a Street Trading consent is granted, renewed or transferred the Council will carry out a consultation process of up to 21 days with various Responsible Authorities and others listed below. Wording for the notice will be supplied by the Council to the applicant to display on a notice.

Applicants must produce and affix the notice of the application in the immediate vicinity of the proposed trading site upon submission of the application. This must remain in place until the application consultation has ended.

Written observations from “Responsible Authorities” and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

For Community based events, the applicant will be required to affix a notice of the application in the immediate vicinity of the site of the proposed event. Consultation on such application by the Council will only be by way of e-mail to the Responsible Authorities. No consultation will be undertaken by the Council with the general public.

New applications process

In particular, we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Local Residents (with properties within 100 meters of the proposed trading site)
3. Nottinghamshire Police (for Crime and Disorder issues)
4. Nottinghamshire Fire and Rescue Service
5. Rushcliffe Borough Council Planning Department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
6. Nottinghamshire County Council Highways Department (VIA)
7. National Highways If within a motorway junction
8. Rushcliffe Borough Council Environmental Health
9. Rushcliffe Borough Council Property Services
10. The landowner (If the proposed street trading site is on private land)
11. Streetwise Team
12. Nottinghamshire County Council Public Health Team
13. Home Office – Interventions & Sanctions Directorate

New applications will be placed online for public consultation

Renewal applications process

In particular we will consult with the following Responsible Authorities and other persons:

1. Town Councils / Parish Councils / Ward Councillors
2. Nottinghamshire Police (for Crime and Disorder issues)
3. Nottinghamshire Fire and Rescue Service
4. Rushcliffe Borough Council Planning department (to decide if planning permission is required or that an exemption will be made dependent upon the type of trading taking place, the length of the licence to be issued and type of vehicle or stall to be used)
5. Nottinghamshire County Council Highways department (VIA)
6. National Highways

7. Rushcliffe Borough Council Environmental Health
8. Rushcliffe Borough Council Property Services
9. The landowner if the proposed street trading site is on private land
10. Streetwise Team
11. Nottinghamshire County Council Public Health Team

Renewal applications will be placed online for public consultation.

Transfer applications process

This Council will consult with:

1. Nottinghamshire Police (for Crime and Disorder issues) only

Site Assessment

Street Trading consents from static locations will not normally be granted where:

1. 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, or
2. Where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited, or
3. There would be a significant loss of amenity caused by traffic, noise, odour or fumes, or
4. There is a conflict with Traffic Orders such as waiting restrictions, or
5. 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, or
6. The trading unit obstructs the safe passage of users of the footway or carriageway, or
7. The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities, or
8. The site does not allow the consent holder, staff and customers to park in a safe manner, or
9. The street trading activity is carried out after dusk and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

Inspection of the Street-Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the Council, prior to the issue of any Street Trading consents, where this is reasonably practicable. The unit to be used for the street trading activity shall comply in all respects to the legal requirements relating to type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

1. Environmental Protection Act 1990
2. Equality Act 2010
3. Food Information Regulations 2014

4. Food Premises (Registration) Regulations 1991
5. Food Safety Act 1990 and Associated Regulations
6. Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004"
7. Health Act 2006
8. Health and Safety at Work etc. Act 1974 and any Regulations made under this Act
9. Licensing Act 2003

There must be a waste contract in place and information of this available for inspection upon request submitted as part of any application.

Where the consent relates to the sale of food the vendor, will be required to be registered with their relevant local authority.

There current Food Hygiene Rating Scheme score **must be 3 or higher**. Where the trader is inspected and their rating falls below a 3, a period of time will be allowed for improvements and a rescore inspection to be carried out. This should not normally exceed 16 weeks.

Food safety records and any documented food safety procedures to be made available at the time of any inspection by an officer of the council of competent officer of the Food Authority.

Further advice on any of the above requirements can be obtained by:

telephoning: 0115 981 9911.

Objections to the application

If objections are received against the granting of a Street Trading consent and are considered by Officers to be valid in terms of this policy the application will normally be referred to the Council's Licensing Principal Officer for determination.

Before such a referral is made officers will assess the objections on the following criteria:

1. Potential, or actual, nuisance to a property occupier from noise, fumes or smells.
2. Concern of crime and disorder problems resulting from the proposed street trading activity.
3. Any other valid reason raised that would affect the occupier of a property as a result of the application made.

A Licensing Officer will make every effort to liaise between the applicant and objectors to resolve any justified objections, within the consultation period. If no resolution is agreed, the application will be referred to the Principal Officer for consideration and determination of the application. The applicant will be informed in writing of the referral of the application to the Principal Officer and notified of the date when the application will be considered.

Persons making written objections will also be informed of a decision to refer an application to the Principal Officer and notified of the outcome.

Determination of the application

The Council will use the criteria listed below in the determination of Street Trading consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each case though will be assessed on its merits and individual circumstances, where appropriate, may be taken into consideration.

Where Trading Will Not Likely Be Permitted

The Council has determined that applications for a Street Trading consent or a Mobile Trading consent (save for certain exemptions) are more likely be refused for locations that are deemed to be:

- **In close proximity to a place of worship.**
- **In close proximity to a place of education.**
- **In close proximity to a place of healthcare.**
- **In close proximity to a place of cultural or historical local / national Significance.**
- **In close proximity to primarily residential properties.**
- **In close proximity to a business offering the same goods / services.**
- **Likely to undermine the safety and / or convenience of the general public and / or road users.**

Where the above applies the place affected will be consulted and any views expressed will be significant in determining the application.

Relevant Considerations Applicable To All Applications

Public Safety

The location of the proposed street trading activity should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard. The term “public” refers to both customers frequenting the street trading activity, and other members of the public using the street. In particular reference will be made to the guidelines set out in the Site Assessment of this policy (on page 18).

Prevention of Crime and Disorder

The street trading activity should not present a risk of potential crime and disorder in the locality in which it is situated. Observations from the Nottinghamshire Police will be taken into consideration under this heading.

Avoidance of Nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells, refuse or fumes to households and businesses in the vicinity of the proposed street trading site. Litter and food waste can be a significant cause of nuisance, defacement of the street scene and lead to public health concerns due to attracting vermin. Observations/ complaints and ongoing concerns about the suitability or a site and the recurrence of nuisance/litter from Council Officers shall be taken into consideration under this heading which may include rejecting or revoking any consent.

Compliance with legal requirements

The proposed street trading activity should be carried out from a trading unit that complies with the relevant legislation. Observations from Council Officers on the

compliance with the requirements of Food Safety and Hygiene, Health and Safety and Environmental Protection legislation shall be taken into consideration. The street trader will need to ensure they comply with any conditions and legal requirements to avoid the occurrence of litter as a result of the street trading which will include litter from customers.

Consultees Observations

In relation to points above consideration will also be given to written observations from consultees. Any objections made to the proposed street trading activity will be considered in terms of relevancy and appropriateness to the application that has been made.

Permitted Trading Hours

The Council will determine each application on its individual merits but generally will only permit street trading between 06:00 and 23:00 on any one day. Any trading outside these hours will have to be approved by the Council. Street Trading outside of the guideline hours, will be assessed in terms of public order, public nuisance, and avoidance of nuisance.

The Council however retains the right to specify permitted hours of trading that are less than those specified above if local circumstances require it.

Should an application be received for a street trading consent to sell hot food and/or drink between the hours of 23:00 and 05:00 the applicant will be advised of the need to have a premises licence under the Licensing Act 2003.

Environmental Impacts

Use of Single Use Plastics

The Council is committed to reduce the amount of single use plastics which are prevalent in the fast-food communities. Street traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a **justified reason for the continued use**.

Failure to do so may mean that the trader will not have the street trading licence granted or renewed.

Trade Waste

Under the Environmental Protection Act 1990 people have a legal duty to make sure that any waste they produce is handled and dispose of correctly. All Street Traders are businesses that this requirement applies to and have a legal duty to ensure that wasted is stored securely pending collection and only given it to authorised waste contractors.

For trade waste, this would normally require a contract to be set up with a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.

Trade waste must not be disposed of through the household waste collection system or at the Council waste Centres which includes being taken back to private residents or disposed of in on-street litter bins.

Failure to provide adequate waste disposal upon application and trade waste arrangements are in place will not be granted a Street Trading consent.

Approval of applications

On approving the application the Council will issue a Street Trading consent to which conditions will be attached. The consent will also contain specific terms such as days and hours when street trading is permitted, and goods that may be sold. A copy of the Council's standard conditions, which are attached to Street Trading consents, are shown in Appendix D Street Trading Consent Conditions. Additional conditions may be attached to the Standard Conditions if special circumstances apply to the consent being granted by the Council.

The conditions attached to the consent form part of the approval to carry out street trading in Rushcliffe. They MUST be complied with at all times and failure to do so may result in the consideration of enforcement action.

consent holders are therefore requested to familiarise themselves with the terms and conditions attached to the Street Trading consent and comply with the requirements.

Issue of Street Trading consent

Street Trading consents will be issued for a maximum period of 12 months. Annual consents issued will be renewable on the date specified in the consent. Shorter term consents may be issued on a daily, weekly or monthly basis.

In all cases when a consent has expired, and an application has not been submitted to the Council for renewal, a new application will have to be made. In such cases the application will be required to go through the full consideration process outlined in these guidelines.

Fees for Annual consents must be paid on application and in accordance with any fee structure in place.

Failure to maintain payments of the fee will be a breach of the conditions attached to the consent.

Where available online payment will be used. Payment can be made in person or over the telephone by credit or debit card or in the form of a cheque. ***The current fees and charges can be found on the licensing pages of the Council website on this link.***

Street Trading consents and unit identification plates will be issued only at the Licensing Team Offices, currently at the Community Contact centre at West Bridgford. The applicant or a person representing the applicant (with written consent) must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

Refusal of applications

The Council will consider an appeal and will provide a written decision within 21 working days from receipt of your appeal, unless further information is required in order to consider the appeal. In this situation the Council will provide a written decision within 21 working days from receipt of this information. The Council's written decision will refer to all information taken into account when considering the application and appeal information and reasons for reaching the decision. Please also see Complaints against the Service section in this policy on page 25.

The Local Government (Miscellaneous Provisions) Act 1982 does not allow any legal appeals against the decision of the Council in relation to the issue of Street Trading consents. A person aggrieved against a decision of the Council may though seek a Judicial Review of the decision.

General Information on Street Trading Consents

Trading Unit Identification Plates

All vehicles, stalls, carts or other devices used for street trading will be required whilst trading to display a trading unit identification plate. The plate is issued by the Council and remains the Council's property throughout the duration of the consent. The plate should be displayed in a prominent position on the trading unit so that it is clearly visible to members of the public using the trading unit.

The trading unit identification plate should be returned to the Council if the consent holder ceases to trade and surrenders his/her consent.

Block consent- The identification plate should be displayed in a prominent position that is clearly visible to members of the public, the insurance covering all stalls/ units under the Block consent shall be visible to the public.

Persons under the age of 17 years

The Council will refuse to grant a consent, where the consent to be granted, would be in contravention of the Children and Young Persons Act 1933. Please refer to Nottinghamshire County Council - employing a 13-16-year-old.

Access by Council and Police Officers

consent holders shall allow access to Authorised Officers of the Council and Police Officers at all reasonable times. Council Officers will carry with them and produce authorisation identity cards issued by Rushcliffe Borough Council.

If you have any doubts about a person claiming to be from Rushcliffe Borough Council ask to see their official identification card. If you remain uncertain please contact the Council on 01159 819911 and ask to speak to the Licensing department.

Street Trading consents Changes/Transfer

The conditions attached to all Street Trading consents stipulate that a consent holder cannot underlet or sublet a Street Trading consent.

Should a consent holder wish to transfer a current Street Trading consent into another person's name, then a transfer form will need to be completed which will be provided upon request with both parties signing it. The proposed new consent holder is also required to complete a new application form with the current hours in order to provide relevant information required.

Once the relevant transfer and application is received, the proposed new applicant will be permitted to trade during the consultation period. There will be a 14-day consultation with the Police on the proposal and a fee is payable.

Please note, should the Police object to the change of ownership then the trader may be asked to cease trading until such time the application has been determined by the Council.

In addition should the new applicant wish to operate under different hours to those currently on the consent, then a new application will be required. This

may result in the request to cease training until determination of the application. Please note this would include a full consultation with Other Persons and the Responsible Authorities.

If a renewal application is submitted at the same time as a transfer application, the transfer application must be determined before the renewal application can be processed. Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to determine the application.

No changes to mode of operation or hours will be permitted through the transfer process.

Should a consent holder wish to change their operating hours, by extending them in some way, during the course of their existing consent period they will have to apply using the normal application form clearly specifying that this is for a change of hours only.

Full consultation in accordance with the Policy will be undertaken and if necessary a Licensing Sub-Committee hearing held to consider the matter. An application for extended hours will attract a non-refundable fee.

Change of Trading Unit process

Should a consent holder wish to change their stall, van, cart, barrow etc. during the period of their consent they must submit three colour photographs of the unit showing the front side and rear of the unit that will be used for the street trading activity.

Policy Review

The Council will keep the policy under constant review and make such revisions to it, as it considers appropriate. The Council will formally review the policy statement every five years and informally re-evaluate it from time to time. Where revisions are made, the Council shall publish a statement of such revisions or a revised street trading policy statement.

Enforcement

Enforcement options

Rushcliffe Borough Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. Due regard will be given to the Council's Enforcement Policy before any action is taken. Read the relevant information in Rushcliffe Corporate Enforcement Policy and the Regulators Code (Gov.uk)

Where licensable activities are conducted without the relevant permissions having been granted by the Council, or where conditions / permitted trading hours are breached, the Council will gather evidence and take the necessary enforcement actions as required.

The Licensing Officers will firstly seek to advice traders of the requirements of their Trading consent, and should it be necessary issue Warnings. Should a trader continue to fail to comply with the requirements of the Council's Street Trading Policy or the conditions applicable to his / her Street Trading or Mobile Trading consent, the

traders' suitability to continue to hold the Trading consent will be reviewed by Rushcliffe Borough Council.

The options available are to:

- Review and (if necessary) vary the conditions attached to an existing Street Trading or Mobile Trading consent when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Review and (if necessary) **suspend or revoke** a Street Trading or Mobile Trading consent issued to an existing Trader when necessary to promote public safety and / or prevent nuisance or annoyance to any affected parties, or the Trader has failed to comply with the conditions of the consent, or information has come to light as to the suitability of the Trader.
- Take no further action, if having reviewed matters, it is deemed that the Trader is not responsible for the issues that led to the Hearing being held.

Pedlars and non-licenced traders

A pedlar is someone who travels and trades on foot, going from town to town or house to house selling goods or offering their skills. A pedlar must hold a certificate granted by a chief constable. The certificate is valid for one year and applies throughout the United Kingdom.

To apply for a pedlar's certificate, contact your local police station. Someone who acts as a pedlar without a certificate commits an offence.

- A pedlar must not remain stationary for long periods of time.
- A pedlar must not set up a stall and wait for people to approach.

The Pedlars Act 1871 specifically precludes the now common place practice of a pedlar standing in one place for an extended period of time to sell their goods or services. The Pedlars act defines the difference between street traders and pedlars as "Street traders travel to trade, whereas a pedlar should trade as they travel."

Non licenced street traders and pedlars who illegally participate in street trading in prohibited or consent streets could face enforcement action **including summary prosecution** under the Local Government (Miscellaneous Provisions) Act 1982.

Complaints against the Service

Rushcliffe Borough Council has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Licensing Services in relation to street trading please contact the Council on 0115 9819911 and ask to speak to the Senior Licensing Officer.

If the matter cannot be resolved advice will be given on how to further your complaint under the Council's Complaints Scheme

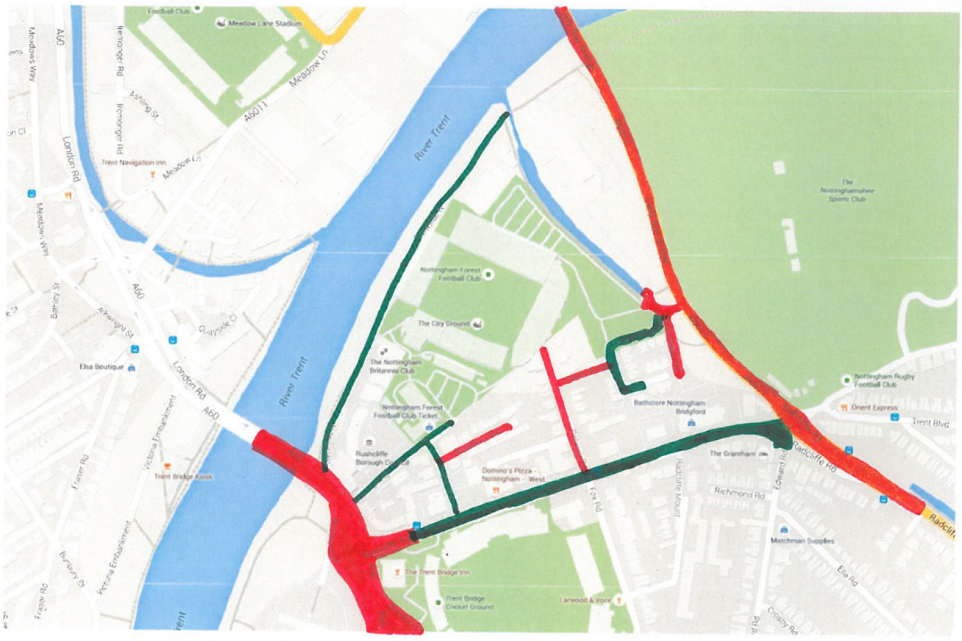
Data Protection

The Licensing Service will adhere to the principles set out in the Data Protection Act 1998, The GDPR and other relevant legislation. See the Council's Privacy Policy for information. (https://www.rushcliffe.gov.uk/privacy/)

Appendix A Prohibited Streets inset Plan A restricted Streets Plan B West Bridgford

Plan A

PROPOSED STREET TRADING AREAS – RUSHLCIFFE BOROUGH COUNCIL



Local Government (Miscellaneous Provisions) Act 1982 Section 3 and Schedule 4.

This map accompanies the notices posted under the above legislation

THE ROADS COLOURED IN RED ARE PROHIBITED STREETS

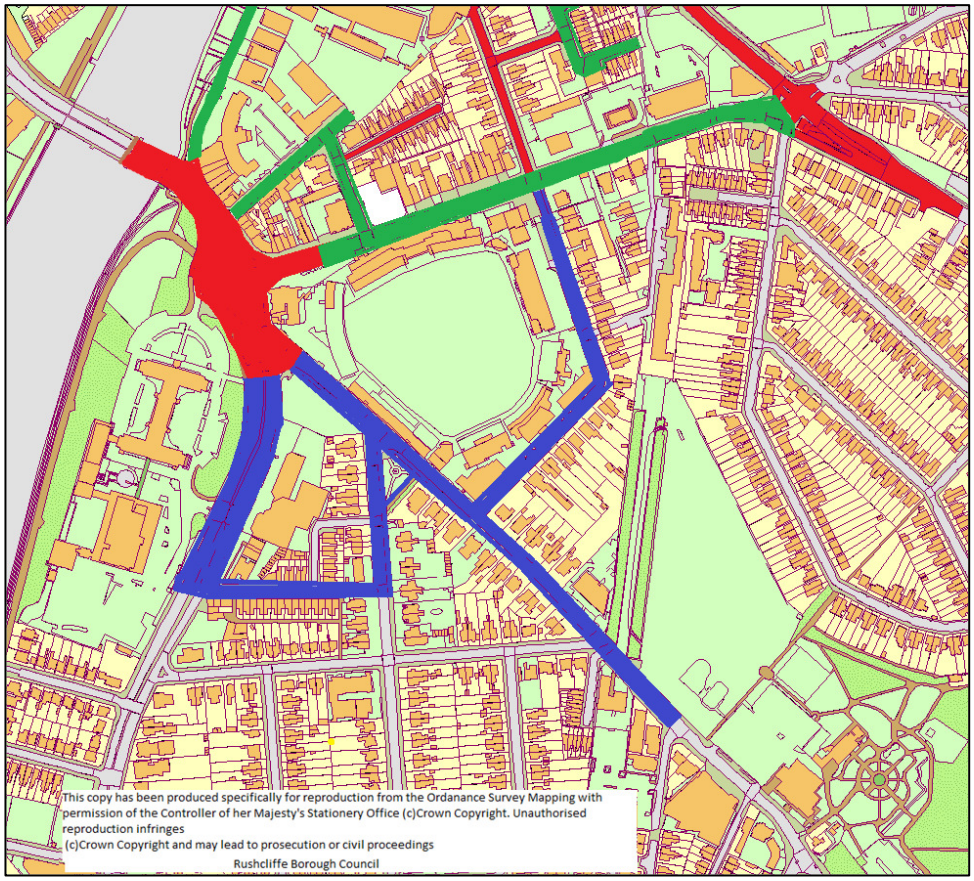
1. Colwick Road
2. Orston Road West
3. Scarrington Road including the footpath to Lady Bay Bridge
4. Rosebery Avenue
5. Thoroton Road
6. Hawksworth Road
7. Lady Bay Bridge from its junction with Radcliffe Road to the Borough/City boundary
8. Radcliffe Road from its junction with Lady Bay Bridge for a distance of metres (junction of hardwick grove)
9. London Road/Trent Bridge/Loughborough Road/Radcliffe Road and Bridgford Road as marked on the plan.

THE ROAD COLOURED GREEN ARE CONSENT STREET

1. Pavilion Road
2. Trentside North
3. Hawksworth Road
4. Orston Road East
5. Radcliffe Road

Plan B

Restricted trading during events (shown in blue)



Appendix B Proof Of Eligibility To Work In The UK

The Council will require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that maybe provided include:

- A UK passport confirming that the holder is British Citizen
- EUSS Share Code for the EU, EEA Nation State Citizens or Citizens of Switzerland.
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- Full UK Birth / Adoption Certificate
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment
- A work permit or other approval to take employment issued by the Home Office (Home Office Share Code) or the Border and Immigration Agency when produced in combination with either a passport or other travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by the Licensing Service on request.

Appendix C Policy/Framework for determining the Relevancy of Criminal Convictions

Applications

1. When submitting an application for the grant or renewal of a Street Trading consent, applicants must declare any unspent convictions or cautions they may have, and in addition they must disclose any matters currently under investigation.

Public Safety

2. The Council's key objective is ensuring public safety and protection from criminal activity such as fraud. The policy reflects this overriding concern and although it recognises that employment plays an important part in preventing ex-offenders from reoffending, the very nature of a street trader's job being in a position of trust will, by implication, mean that a pattern of offending/ re-offending or, indeed a single specific offence may render an applicant unfit to hold such a position of trust.
3. Applicants demonstrating either or both of these will not normally be issued a consent by the Council.
4. Before, the Council makes any decision, it will allow an opportunity for the applicant to make comment about any unspent convictions and cautions.
5. The Council may offer some discretion if the offence is isolated and there are mitigating circumstances. This will be based upon the Council establishing the facts surrounding a unique case. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour which will be taken into account.
6. The Council will in all cases verify the applicant's identity and may require a basic criminal record check to be undertaken. Where the check reveals that the applicant has a record of convictions and/ or cautions and warnings, the Council will consider these carefully on the basis of:-
    - How relevant the offences were to the type of consent applied for
    - The relative gravity of the offences committed and
    - How recent they were
7. The Council will consider all unspent convictions with further attention given to criminal offence involving:-
    - Dishonesty
    - Assault including, Battery, or Grievance Bodily Harm/ Actually Bodily Harm including any conviction of aiding or abetting or incitement for any such offence
    - Drugs including cultivation, sale, supply or the recreational use thereof
    - Sexual offence
8. A basic criminal record check is required upon application and thereafter every three years for relevant consents as indicated in this policy.
9. The Council reserve the right to seek intelligence from all 'appropriate sources'.

10. Applicants with relevant offences (see list below, under heading **Specific Guidance of the Relevance of Convictions**) or are a cause for concern will be referred to the Licensing Sub-Committee for determination.

11. Existing holders of a Street Trading consent will be required to notify the Council, in writing, within five working days of receiving a criminal conviction (including cautions).

12. Any applicant who is refused a Street Trading consent, does not have the right to appeal to a Magistrates Court. If a person is aggrieved against a decision made by a Licensing Sub-Committee, may seek a Judicial Review of the decision of the Licensing Sub-Committee, should it be deemed necessary.

13. A serious view will be taken of any substantiated complaint relating to verbal abuse, violence or aggression towards any member of the public, authorised officers or employee of the Council or Police Officers whilst in the course of their duty.

Specific Guidance of the Relevance of Convictions.

Drugs

14. An isolated conviction for the possession or misuse of drugs need not preclude an applicant from gaining a Street Trading consent, although further consideration of the application should be required, having regard to the circumstances of the offence.

15. However, more than one conviction would usually merit refusal and normally no further application will be entertained until a period of at least 3 years free from conviction has elapsed.

Indecency offences

16. As a Street Trading consent holder, applicants will often be in remote locations at various times. Therefore applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years. In either case, if a consent is granted a strict warning as to future conduct will be issued.

17. NB- Offences of a serious sexual nature will be considered separately outside the terms of the policy, prior to the granting of any consent.

Violence

18. As a Street Trading consent holder, will have close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault.

19. At least three years free of such conviction should be shown before an application will be entertained and even then a strict warning as to future conduct will be given.

Dishonesty (including theft)

20. Street Trading consent holders are expected to be a person of trust. It is comparatively easy for a dishonest street trader to defraud the public by demanding more money for goods, etc. Foreign visitors can be confused by the change in currency and become ‘’fair game’’ for an unscrupulous street trader.

21. For these reasons a serious view will be taken of any convictions involving dishonesty. Normally, a period of three to five years free of conviction will be required before entertaining an application.

Statement on the rehabilitation of offenders

22. Except for the above The Rehabilitation of Offenders Act 1974 and current guidance (https://www.gov.uk/government/publications/new-guidance-on-the-rehabilitation-of-offenders-act-1974) shall apply when determining an application for a consent under this policy to ensure those with minor spent convictions are not excluded from employment or discriminated against.

Appendix D Street Trading Consent Conditions

GENERAL CONDITIONS

1. The consent holder (which expression where appropriate includes joint holders of this consent) and any person employed by him to assist him in his trading, shall produce the consent on demand when so required by a duly authorised officer of Rushcliffe Borough Council, or by a Police Officer.
2. A copy of this consent shall kept onsite by the holder and available for inspection by an authorised officer of the Council, or a Police officer.
3. The consent holder shall notify the Environmental Health Manager of the Council immediately of any convictions or proceedings arising out of the use or enjoyment of the consent, within 5 working days.
4. The consent holder shall not sublet or underlet this consent or any part thereof, but may surrender it to the Council or transfer the consent to a third party at any time.
5. The consent holder shall observe and comply with any directions in relation to the use of the street or public place by a duly Authorised Officer of the Council.
6. Nothing contained in these conditions shall relieve the consent holder or his/her employees or agents from any legal duty or liability and the consent holder shall indemnify the Council in respect of all claims, actions, demands or costs arising from this consent
7. The consent 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 request by an Authorised Officer of the Council.
8. If the street trading site is located on private land, including forecourts, satisfactory written evidence must be provided to the Council that permission of the landowner or lessee has been obtained to carry out the Street Trading activity.
9. The Council may vary the conditions attached to the consent at any time.
10. The identities of all persons working on street trading units shall be notified to the Council and all such persons will wear an identification badge.
11. If public toilets are not readily accessible from the street trading site, the consent holder shall provide written permission from the owner of any toilet facilities that they are proposing to use while the street trading business is operating.
12. Such toilet permission must include confirmation that the facilities will be available at all times during normal trading hours. If this is not possible, the consent holder shall provide a suitably screened chemical toilet, maintained and emptied at their own expense.
13. The Council's Health, Safety and Food Team will assess the appropriateness of any proposed toilet arrangements and consent will be withheld until they are satisfied with them.
14. The Council will expect all traders to cease the use of single use plastics, where this is practicable and reasonable to do so, traders will be licensed only if they can demonstrate they have removed all such plastic use in the council area or there is a justified reason for the continued use.
15. The consent holder shall not operate before 06:00 or later than 23:00 on any day.
16. The consent holder shall ensure that any person who is working on the vehicle has a right to work in the UK and has made appropriate checks.

SITE CONDITIONS

17. The consent holder, when operating on a static trading site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons

employed in the street trading activity. The sanitary accommodation arrangements shall be approved by the Council.

18. The consent holder shall not use any television, tape recorder or other device for the reproduction of sound whilst trading which is audible beyond 5 metres from the site.
19. The consent holder shall not place on any street or public place, or affix to any equipment placed on the street or public place, any advertising of any description whatsoever except with the previous consent in writing from the Council.
20. Advertisements or other notices must not be placed outside of the immediate area of the street trading site without the approval of the Council. The consent holder shall not make any excavations or alterations of any description to the surface of the street, or land in the ownership of the Council adjoining a street, or place or fix equipment of any description in the said surface, except with the previous consent from the Council in writing.
21. The consent holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance or exit from any premises.
22. The consent holder shall keep his trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave the location in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this consent.
23. The consent holder shall provide and maintain at his own expense adequate refuse receptacles for litter.
24. Litter and trade waste arising from the activities of the consent holder shall be removed from the site on a daily basis and disposed of by a trade waste collection contractor. Records must also be kept for 2 years showing how the waste has been disposed of (waste transfer notes), which must be made available on request to the regulating authorities.
25. The consent holder shall make such provision as is necessary to prevent the deposit in any street or public place of solid or liquid refuse and shall not discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.

TRADING CONDITIONS

26. The consent holder shall not carry out street trading activities other than those permitted by the consent.
27. The consent holder shall not trade outside the time and days permitted by the consent.
28. The consent holder shall display on any van, cart, barrow or other vehicle or stall in a conspicuous position that is visible to members of the public a street trading identification plate that has been issued by the Council.
29. The consent holder shall not trade in such a way that is likely to cause undue obstruction to any part of any street or public place.
30. The consent holder shall not trade in such a way that is likely to cause any injury to any person using the street or public place.
31. The consent holder shall not trade in such a way that is likely to cause damage to any property in the street or public place.
32. The consent holder shall not trade in such a way as to cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity. Noise from equipment used in connection with consented street trading activity shall not be audible inside nearby residences.
33. All street trading fees are due yearly every July.

34. Static Street trading units, vehicles or other equipment associated with the street trading activity shall be removed from the site at the cessation of trading each day.

35. Any consent holder who wishes to employ an assistant who will be left solely in charge of the street trading site during the course of a day's trading shall be required to:

    a. Obtain written permission from the Council

    b. Provide the name, age and address of the assistant.

36. The consent holder shall at all times conduct his business in a clean, honest, civil and business-like manner without interfering with the business of other Traders and consent holders.

37. There current Food Hygiene Rating Scheme score for any consent vending food must be rated at **3 or higher**. Food safety records and any documented food safety procedures shall be made available at the time of any inspection by an officer of the council or competent officer of the Food Authority.

THE FOLLOWING CONDITIONS ONLY APPLY TO STREET TRADERS WITH PERMISSIONS IN THE AREA OF THE NOTTINGHAM FOREST FOOTBALL GROUND

38. The permission to trade on the pitch designated shall only apply to days on which football matches take place at the Nottingham Forest Football Club, The City Ground and no other days.(unless with prior written permission of the Council.)

39. The consent holder must trade personally from the designated pitch on at least 75% of Nottingham Forest Football Club's home match days and shall not leave the above pitch vacant on more than 2 consecutive home match days without the prior written permission of the Council.

40. In regard to Mobile Food vendors based on private property, the vehicle must be positioned on the property in such a location that the serving hatch of the vehicle is at least two meters from the edge of the public highway. This is to allow free access to pedestrians and vehicles using the highway.

LEGAL PROVISIONS

41. Nothing contained in these conditions shall relieve or excuse the consent holder or his/her employees or agents from any legal duty or liability.

42. At all times the consent holder shall comply with the legislation in force. Particular attention, where appropriate, should be paid to the Health and Safety at Work etc. Act 1974, the Food Safety and Hygiene (England) Regulations 2013,"Regulation (EC) 852/2004" and the Food Safety Act 1990.

43. Traders must comply with Trading Standards legislation I.E.:
    - Goods sold by weight must be sold in metric units
    - Goods that contravene the Trade Marks Act 1994 (counterfeit goods) must not be sold
    - All goods must have a price inclusive of VAT displayed on them.

44. In accordance with the food hygiene legislation the applicant must provide proof to the Council that the business/mobile food unit is currently registered with the food authority in which the stall, handcart, barrow or mobile food unit is currently stored. It is a criminal offence to operate a food business without being registered. Note: There is no charge for the registration of a food business.

REVOCATION OR SURRENDER OF CONSENT

45. The consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.

46. The consent holder of a Street Trading Unit Identification Plate shall return the said plate to the Council immediately on revocation or surrender of the consent.
47. The consent holder shall return the paper consent to the Rushcliffe Borough Council immediately on revocation or surrender of the.
48. A consent holder who is found to be employing an illegal immigrant will have the consent immediately revoked. There will be a right of appeal to the Licensing Sub-Committee against a decision to revoke a consent.
49. In the event of a consent holder having the consent revoked by the Council a further application from that person will not normally be considered within 3 years from the date of such revocation.

MOBILE TRADING CONSENT – Additional Conditions for ice cream vendors or similar

50. This consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.
51. Mobile units may sound chimes but not:-
    1. For longer than 12 seconds at a time.
    2. More often than once every 2 minutes.
    3. When the vehicle is stationary.
    4. When the vehicle is moving, except on approach to a selling point.
    5. When in sight of another vehicle which is trading.
    6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and other recognised days of worship).
    7. More often than once every 2 hours in the same length of street.
    8. Chimes must not be louder than 80dB(A) at 7.5m; and
    9. Chimes must not be sounded before 12 noon or after 19:00 hours.
    10. Must comply with the Code of Practice on Noise from Ice-Cream Van Chimes Etc. in England 2013 or subsequent amendments.

BLOCK TRADING CONSENT- Additional Conditions

52. Block consent applications will require numerous colour photographs of the area the consent is being applied for.
53. Third Party and Public Liability insurance must cover all traders, or individual insurance for all traders must be provided.
54. A list of all the traders to be covered by the block consent must be provided, if known at the time of the application. If the traders aren't known at the time of the application, a list must be provided to the Council at least 5 working days before the consent is granted.
55. Copies of proof that all food traders covered by the block consent are registered with a Local Authority

NOTES TO THE CONDITIONS

Within the terms of these conditions the following words have the meanings as described:

The Council	Means the Rushcliffe Borough Council
Street Trading	Means the selling or exposing or offering for sale of any article (including a living thing) in any street,
Street	Includes:

a. Any road, footway, beach or other area to which the public have access without payment.

A service area as defined in section 329 of the Highways Act 1980, and also includes any part of a street.

consent Street — Means a street in which street trading is prohibited without the consent of the district council.

Authorised Officer — Means an officer employed by Rushcliffe Borough Council and authorised by the Council to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

THIS CONSENT DOES NOT:

1. Permit trading outside the terms of the consent.
2. Indicate that planning permission is not required, Please note:

    a. That the requirement to obtain planning permission applies to all streets, whether they have been designated consent Streets or not.

    b. That the grant of one or more street trading consents does not give the trader immunity from planning control

    c. The Council has discretion whether or not to enforce planning laws in relation to street trading.

3. Indicate that the unit is exempt from business rates
4. Override parking restrictions or any other traffic regulations
5. Imply approval from the highway authority or any other person or authority

Appendix E Data Protection Privacy Notice

Please visit Rushcliffe Borough Council Privacy Notice - Rushcliffe Borough Council
(hhttps://www.rushcliffe.gov.uk/privacy/)

For further details about how your personal information may be used or about your rights under data protection legislation, please contact the Council's Data Protection Officer at:

- By post: Data Protection Officer, Rushcliffe Borough Council, Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7YG.
- By email: customerservices@rushcliffe.gov.uk
- By Telephone: 0115 981 9911