

Hambleton District Council

Report To: Licensing and Appeals Hearings Panel

From: Director of Law and Governance (Monitoring Officer)

Date: 13 July 2022

Subject: **Application for Street Trading Consent
Stephen Pearson – Nitrovit Lane, Sandhutton**

Portfolio Holder: Governance
Councillor Mrs I Sanderson

Wards Affected: **Thirsk**

1.0 Summary

- 1.1 This report asks the Panel to consider an application for the grant of a street trading consent in respect of Mr Stephen Pearson and Ms Angela Pearson trading as Flamin' Tasty.

2.0 Procedure

- 2.1 The procedure for licensing hearings is attached as an Annex to the Agenda.

3.0 Application for the Grant of a Street Trading Consent

- 3.1 The application for the grant of a street trading consent was received by the Licensing Team on 13 May 2022. The application form is attached at **Annex A** along with consent from the landowner, a map and some photographs provided by the applicant.

- 3.2 The applicant seeks to authorise the sale of food and drink from a mobile catering unit between the hours of

Monday to Friday	7.00am to 7.00pm
Saturday	8.00am to 12 noon

- 3.3 On 13 May 2022, the application form and the supporting documents were forwarded to the following consultees to invite any comments on the proposals:

- North Yorkshire Police
- Highways (North Yorkshire County Council)
- Planning (Hambleton District Council)
- Economic Development (Hambleton District Council)
- Environmental Health (Hambleton District Council)
- Design and Maintenance (Hambleton District Council)
- Ward Councillors for Thirsk
- Sandhutton Parish Council

3.4 On 01 July 2022, Mr & Mrs Pearson provided the council with a written submission in support of their application. The letter is attached at **Annex B**.

4.0 Objections

4.1 Sandhutton Parish Council have objected to the grant of the consent and the objection notice is attached at **Annex C**. The objection relates to the location of the unit, the times of operation and to public nuisance.

5.0 Policy Considerations

5.1 Applications will be considered on their individual merits and objections may relate to any of the following criteria:-

- public order;
- public nuisance;
- public safety;
- commercial needs of the area;
- suitability of the applicant or the proposed unit; or
- any other reasonable cause

5.2 In accordance with the council's Street Trading Policy, standard conditions will be attached to all consents. In addition, the council may impose conditions to consents in light of the specific circumstances of a case. The Council's Street Trading Policy is attached at **Annex D** and the standard conditions can be found in Appendix 2.

6.0 Determination by the Panel

6.1 The Panel must, having had regard to the objections, take such of the steps mentioned in paragraph 6.2 as it considers appropriate.

6.2 The steps are:-

- to grant the consent subject to any standard conditions;
- to grant the consent subject to any modified conditions; or
- to reject the application.

6.3 Following determination of an application, there is no statutory right of appeal.

Gary Nelson
Director of Law and Governance

Background papers:

Author ref: AH
Contact: Anita Huntsman
Senior Licensing Officer
Direct Line No: (01609) 767017

HAMBLETON**DISTRICT COUNCIL****Application for
Street Trading Consent**

Local Government (Miscellaneous Provisions) Act 1982

SECTION 1 - APPLICANT DETAILS

1	Application Type	<input checked="" type="checkbox"/> New Application <input type="checkbox"/> Renewal* *Existing permit number (if applicable) <u>N/A</u>
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PART A - APPLICANT DETAILS

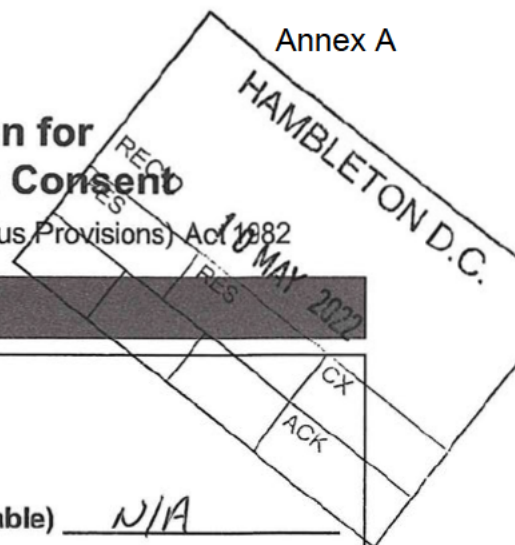
2	Name	STEPHEN PEARSON
3	Address	[REDACTED]
4	Date of birth	[REDACTED]
5	National Insurance No.	[REDACTED]
6	Telephone No.	[REDACTED]
7	Email address	[REDACTED]

PART B - SECOND APPLICANT DETAILS (IF APPLICABLE)

8	Name	ANGELA PEARSON
9	Address	[REDACTED]
10	Date of birth	[REDACTED]
11	National Insurance No.	[REDACTED]
12	Telephone No.	[REDACTED]
13	Email address	[REDACTED]

SECTION 2 - TRADING DETAILS

14	Trading Name	FLAMIN TASTY
15	Street name of proposed location	NITROVIT LANE
16	Town of proposed location	SAND HUTTON YO74EG
17	Please describe exactly where on the street the trading unit is to be located. Please include a site plan to illustrate the location.	PRIVATE LAND HARD STANDING AT THE SIDE OF THE ROAD / LANE PHOTOGRAPH PROVIDED
18	Mobile traders only – please list every street on which it is proposed to trade. Please include a map to illustrate the locations.	



19 Proposed dates for consent to be valid

- ☒ All year round
☐ Specified dates*

*Please provide specific dates below (if applicable)

20 Proposed hours for consent to be valid

	Start Time	Finish Time
Monday	07 - 00	19.00
Tuesday	07 - 00	19.00
Wednesday	07 - 00	19.00
Thursday	07 - 00	19.00
Friday	07 - 00	19.00
Saturday	08.00	12.00
Sunday		

21 Description of goods to be sold

HOT AND COLD FOOD INCLUDING BURGERS, SAUSAGES, BACON, HOT AND COLD MEAT SANDWICHES, HOT AND COLD CONFECTIONERY AND CRISPS DRINKS

22 Type of trading unit

- ☒ Mobile catering unit
☐ Ice cream van
☐ Stall
☐ Barrow
☐ Cart
☐ Other

23 Please give further details about the trading unit.

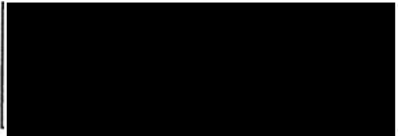
Height 11ft WITH SIGN / 9ft 3 WITHOUT
 Length 14ft
 Width 7ft 4
 Colour WHITE
 Vehicle registration (if applicable) N/A
 Any other relevant information (please include photographs)
 PHOTOGRAPHS INCLUDED


SECTION 3 – DECLARATION AND SIGNATURE

To be completed by all persons named on the application form.

- I hereby declare that the above information is true to the best of my knowledge.
- I understand that it is a criminal offence to make a false statutory declaration.

24	Have you enclosed written confirmation from the landowner authorising you to trade from the proposed location?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
25	Have you enclosed your public liability insurance?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
26	Have you enclosed a copy of your food business registration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
27	Have you enclosed the correct fee? REF - FLAMIN TASTY BANK TRANSFER	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

28	Signature of first applicant	
29	Name (please print)	STEPHEN PEARSON
30	Date of signature	10-5-2022

31	Signature of second applicant	
32	Name (please print)	ANGELA PEARSON
33	Date of signature	10-5-22

Please call the Licensing Section on 01609 767079/767017 to arrange an appointment if you wish to return this form in person.

This authority is under a duty to protect the public funds it administers, and to this end, may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing and administering public funds for these purposes.

Office Use Only

S5012 Street Trading
£350.00

Receipt No:

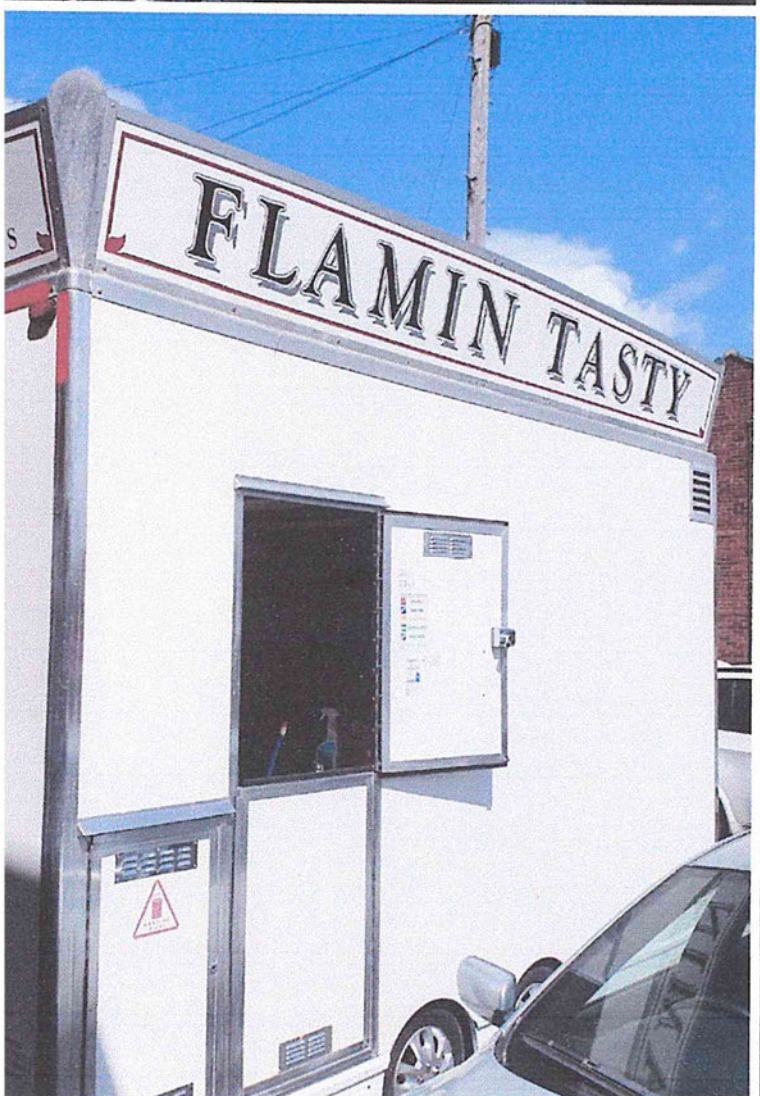
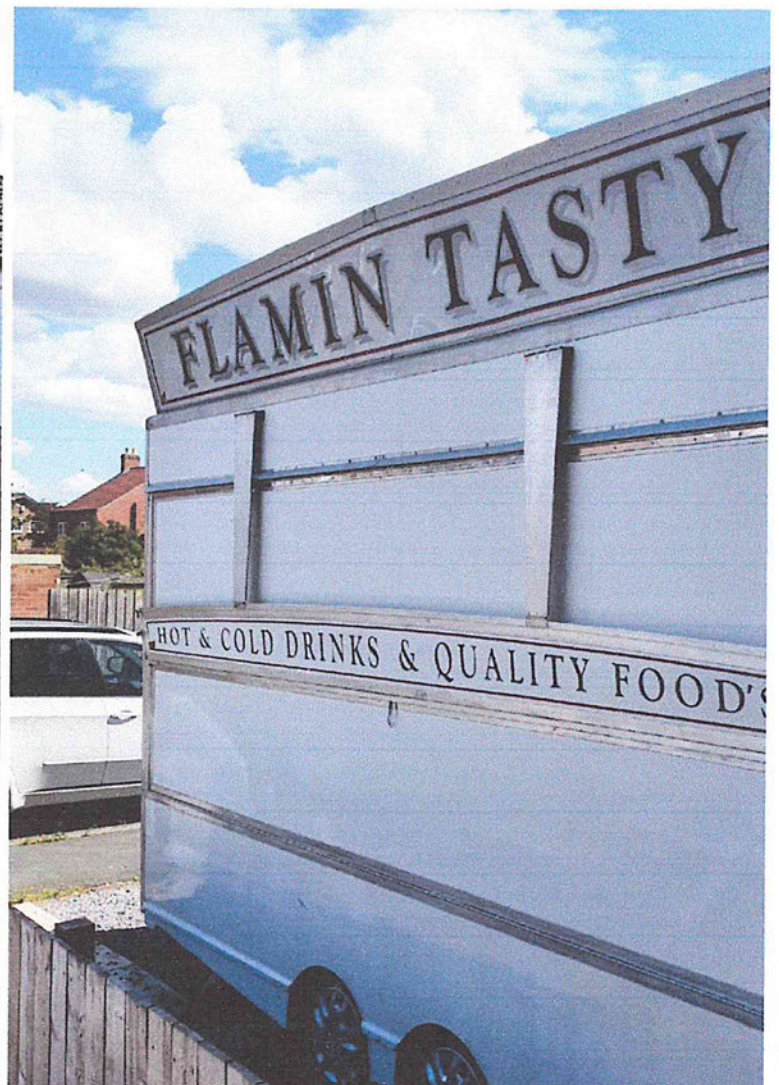
Roger Barley
Cherry Haven
Sinderby
Thirsk
Yo7 4jd
Tel 01845 567514
Mob 07846200041
Date 24/03/2022

Dear Sir/Madam,

I hereby confirm that I have come to an arrangement with Stephen and Angela Pearson, trading as Flamin Tasty catering trailer for a monthly rent, to trade from a hard standing on my land. My business trading name, R and C Barley, new farm buildings, Sand Hutton, East of Nitrovit Lane YO7 4EG Mob 07846200041. If you need any further information, please do not hesitate to contact myself or Christine Barley.

Yours sincerely,
Roger Barley







CATERING TRAILER
SITUATED

ROAD
TOWARDS
NORTHALLERTON

Walk 0.4 mile, 8 min



BUSBY STOOP
ROUNDABOUT.

Answers to concerns

1. Hours of operation can be amended to be 7am till 3pm Monday to Friday. NO Saturday, Sunday, or bank holiday trading.
2. Large Vehicles and HGVs already come down the lane, there is more than adequate room for manoeuvre and turn around further down which they already use. The lane is plenty wide enough for passing vehicles.
3. Its purpose is not intended to be for a truckers stop/pitstop.
4. We have not now or ever intended to advertise on the lane end and was not included in our licence application.
5. Already got an application in place for waste removal (YORWASTE) with bins provided for customers all recyclable materials will be collected and managed in the correct way, waste oil will also be collected and managed. All waste water will be collected and dealt with correctly.
6. The catering trailer is a purpose-built factory unit consisting of all correct appliances, lpg gas safety tested with certificate, water filtration system fitted, hot and cold running water, ventilation system to conform with relevant safety regulations, front, and side opening, only the front serving hatch will be open. Trailer will be removed every day after closing and will not be left overnight on concrete stand. If needed a fence or hedging could be erected as to blend in but as is, can certainly not be seen from the village. Due to food Hygiene, I do not think it would be suitable to be cited near Harpers due to the amount of dust and debris. It will not affect local amenities due to nature of the business, we are a buy and take away, no seating area is provided on or around the area
7. The major gas pipeline which runs along the airfield is 116 metres away from where trailer is to be situated having

already been measured before pitch was laid and licence applied for.

8. We will also try our utmost to source local for supplies where possible therefore helping local businesses.

We are highly conscious of our surroundings and every care will be always taken to maintain the safety of others including wildlife and will be thoroughly checked before leaving the site each day.

Thank you Stephen and Angela Pearson

Street Trading Licence – ‘Flamin Tasty’

Following a recent meeting of Sandhutton Parish Council members agreed the following Observations and Objections to the above trading licence.

1. Hours of operation **should be conditioned** between Monday to Friday 8am to 4pm only. No Saturday, Sunday or bank holiday working.
This is to protect local amenities.
2. Location Siting - There is not adequate room at this location for large vehicles and HGVs to manoeuvre or turnaround therefore there is a potential for regular congestion. Siting the Unit near to Harpers, would be a more suitable location.
3. The PC have concerns that this may turn into a pit stop/truckers stop? Access to the site is on a very bad bend and the road onto the airfield is not the best and two-way traffic is a potential issue especially HGVs.
4. We also have concerns about the smell from the cooking of fried food e.g. burgers etc which will carry in the prevailing wind and into the surrounding village.
5. The parish council are aware of enforcement issues re advertising / signage at the entrance onto the airfield and feel it is not appropriate to allow any further advertising of this nature or for this application at the entrance to the airfield or the village.
6. Furthermore, this application does not comply with the following: -
 - CP16 Protecting and enhancing natural and man-made assets.
This application detracts from the open green space of the farmland around and beyond it.
 - CP17 Promoting a high-quality design.
The proposed food truck is not of a high-quality design and will not blend in with farming backdrop. Buildings that have been put up are all in keeping with farm barns.
 - DP1 Protecting Amenity.
The proposed does not protect local amenities. There is a potential for excess litter causing harm to farmland and wildlife.
There is the potential for excess smells from the fryers on the prevailing wind.
 - DP30 Protecting the character and appearance of the countryside.
The proposed will detract from the local character and appearance of the local countryside which is one of far-reaching views and farmland.
 - DP32 General design.
The proposed unit is of poor design and will not sit correctly on the area. All buildings in the vicinity have been built of good design to blend in with the surroundings including colour which is of a dark green.

Other Observations:

We are aware of **a major gas pipeline** runs along the airfield, has consideration been given as to how far away is this unit from it?

Members do agree that if the hours of opening are restricted as above and the Unit is resited further onto the airfield for general safety then the Parish Council would have no objections.



HAMBLETON DISTRICT COUNCIL

STREET TRADING POLICY

Date of Issue: 1st April 2016

Version Control

<i>Version No.</i>	<i>Amended by</i>	<i>Date</i>
1.0	Philip Mephram	16/8/2012
1.1	Philip Mephram	22/8/2013
1.2	Simon Fisher	20/2/2014
1.3	Philip Mephram	26/3/2014
1.4	Philip Mephram	12/8/2014
2.0	Philip Mephram	29/4/2015
2.1	Simon Fisher	16/11/2016

1.0 Introduction

- 1.1 The purpose of this policy is to establish a street trading environment which complements, but does not unfairly compete with, the permanent premises-based business environment.
- 1.2 This Policy provides a framework within which consents for individual sites or businesses will be considered for approval.

2.0 Relevant Documents

Local Government (Miscellaneous Provisions) Act 1982.

3.0 Responsibility

- 3.1 The management of the Street Trading Scheme (STS) would be the responsibility of the Licensing Team within Legal Services.

4.0 Policy Aims

- 4.1 The Aims of the STS are to:-

- control the conditions existing amongst traders selling goods throughout the District;
- recover the cost of the essential regulatory and administrative work associated with the operation of mobile traders through fees;
- help secure fair competition between mobile traders and businesses operating from fixed premises;
- ensure that traders cause no obstruction or nuisance to anyone; and
- recognise the important part that the voluntary, educational and community sectors play in the community.

5.0 Definitions

'Consent street' means a street in which street trading is prohibited without the consent of the district council.

'Licence street' means a street in which street trading is prohibited without a licence granted by the district council.

'Prohibited street' means a street in which street trading is prohibited.

'Street' includes:-

- 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.

'Street trading' means the selling or exposing or offering for sale any article (including a living thing) in a street. (Exemptions apply as shown in the following paragraph).

6.0 Exemptions

6.1 The following are not street trading for the purposes of this scheme:-

- trading as a pedlar under the authority of a pedlar's certificate;
- anything done in a market or fair established under a grant or charter;
- trading in a trunk road picnic area
- trading as a news vendor
- trading on premises used as a petrol filling station
- trading carried on at premises used as a shop or in a street adjoining a shop and as part of the business of the shop;
- selling things as a roundsman;
- the use of trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980; and
- doing of anything authorised under a street collections permit.

7.0 General principles

7.1 The following general principles summarise the scheme in Hambleton District Council's area:-

- All streets throughout the District are designated as 'Consent Streets' except the areas shown on the maps in Appendix 1.
- If a trader applied for a Consent, they would first need the permission of the owner of the land on which they proposed to trade. No consent application would be accepted without this prior agreement. Any fee due for this permission shall be separate to the Consent fee.
- Traders at community events organised by any charity or not-for-profit organisation would not require a Consent provided:
 - The trader has obtained authorisation from the event organiser to trade as part of the event; and
 - The event organiser has given written notice to the licensing authority at least seven days prior to the event, giving the personal details of the traders and the times, date(s) and location from which he/she proposes to trade.
- Mobile traders would require consent. These are traders of e.g. fish and chips, sandwiches and snacks, ice cream etc whose pattern of trade is to travel from road to road, stopping for no more than 30 minutes in each location. Roads or sites would be listed or shown on a map. The "30 minute rule" could be regulated by condition. One Consent would be required for the round. If the trader stopped for more than 30 minutes at any location, separate Consents would be required for each site.
- Fees for Consents are based on the principle of recovery of the full cost of normal regulatory action, consumption of resources and administrative processes.

- The number of Consents granted in any street may be limited through the specific consultation process, as may the types of goods that may be sold or may not be sold in order to prevent competition with permanent traders.
- The sale of hot food or hot drink between the hours of 11 p.m. and 5 a.m. remain subject to control through the provisions of the Licensing Act 2003 as it would constitute Late Night Refreshment.
- Consents are granted for a period not exceeding 12 months. A short term Consent is also available for periods of up to 4 weeks in order to facilitate attendance at short term events where the street trading scheme is applicable.
- Any consent holder seeking to vary the sale of goods specified in the Consent must apply for a new Consent.
- No street trading consent shall be granted in respect of any location where it is likely to cause a danger to road users.
- The consent holder shall ensure that any vehicle used by them in connection with the business is in a roadworthy condition and, where necessary, taxed and insured.

7.2 Only lay-bys which are separated from the main carriageway, e.g. by a grassed or tarmac verge will normally be considered. Applications should take the following into account when deciding on a location:

- Traffic flow – applicants should ensure there are enough potential customers to sustain a business.
- Size of lay by – applicants should ensure there is sufficient room for numerous cars/lorries, etc.
- Proximity to competition – applicants must consider existing street traders. Consent will normally be refused where there are existing street traders.
- Toilet facilities – applicants must consider ensuring such facilities are provided if selling hot food and drinks.
- Access to and egress from – applicants must ensure that there is safe access into and egress from the lay by.
- Crossing a carriageway - applicants must ensure that customers shall not cross a carriageway to access the lay by. This could be by way of adequate signage preventing customers from turning right into the lay by stating that if a customer turned right across the road in order to purchase an article, etc from a street trader they would be refused the sale.

7.3 The Consent will stipulate the permitted area for trading (“the consent area”), the type of vehicle/stall and description of goods and any other relevant information.

8.0 Street Trading Conditions

- 8.1 Standard conditions (see Appendix 2) will be attached to all consents. In addition, the Council may add specific conditions to Consents in the light of circumstances of particular sites or trades.
- 8.2 The Council retains the right to amend or vary the conditions of a Consent at any time. Where this is the case the Council will notify the Consent holder of this intention and the Consent holder will be given the opportunity to make representations against any amendment or variation.
- 8.3 Consent will not be granted if it is considered that one or more of the conditions will be breached. The consent granted by the Council may be revoked at any time should one or more of the conditions be breached.

9.0 Scope of the scheme

- 9.1 Traders of all types of goods are included within the scheme where they form part of a trade or business.
- 9.2 Traders in car boot sales or other temporary markets, to which the public have access without payment, will not need to apply for a Consent as the organiser of the sale must notify the North Yorkshire County Council of occasional sales.

10.0 Application process

- 10.1 Applications must be made in writing on an approved form and made by an individual. Application forms are available from the Licensing Team at the contact address below or from the Council's website.
- 10.2 The completed and signed application form must be accompanied by the following:-
- the full fee;
 - a colour photograph of the proposed unit;
 - a site plan of where the unit is proposed to be positioned showing its relationship to adjoining land and buildings, including dimensions of the site;
 - where mobile trading is to take place, a list of the streets where trading is proposed;
 - a valid public liability insurance policy of at least £2million;
 - where applicable, a current 12 month Gas Safety Inspection certificate for any gas appliances and pipework is available;
 - written proof of the landowner's permission to use the land, whether that is private land, Council land or Highways land;
- 10.3 Applications for individual sites will be forwarded for consultation to:-
- North Yorkshire Police
 - North Yorkshire County Council Highways
 - Hambleton District Council Departments of Planning, Legal Services and Economic Development
 - Where relevant, to North Yorks Moors National Park
 - Hambleton District Council's Environmental Health Service
 - Relevant Ward Members of Hambleton District Council
 - Relevant Parish or Town Council
 - Additional consultees as deemed appropriate in specific circumstances.

10.4 Applications will be considered on their individual merits and objections may relate to any of the following criteria:-

- public order
- public nuisance
- public safety
- commercial needs of the area
- suitability of the applicant or the proposed unit
- any other reasonable cause

10.5 Following consideration of comments or representations, the consent will be:-

- Granted with standard conditions
- Granted with standard and additional conditions
- Refused.

10.6 Applications for renewal will normally be approved upon application unless objections have been received or there has been a history of non-compliance with conditions. Renewal is not guaranteed and application fees may change on renewal.

11.0 Levels of decision making

11.1 The determination of applications for consents that fall within the scope of this Policy is delegated to the Legal Manager and the Principal Licensing Officer. Applications that fall outside this Policy or those that attract relevant objections will be determined by the Licensing Committee.

11.2 Following determination of an application, there is no right of appeal under the legislation against refusal to issue or renew a Consent or the imposition of conditions. If an applicant is aggrieved by the Council's decision they have the option to seek a Judicial Review of that decision.

12.0 Administration and enforcement

12.1 The scheme will be administered and enforced by the Licensing Team.

12.2 The Local Government (Miscellaneous Provisions) Act 1982, as amended, sets out the following offences:-

- Engaging in street trading in a prohibited street
- Engaging in street trading in a consent street without being authorised to do so
- Trading under the benefit of a street trading consent using a stationary van, cart, barrow, other vehicle or portable stall for which permission has not been granted;
- Contravening a condition imposed in relation to where the trader may trade and between what times or periods for which they may trade.

A person found guilty of an offence as listed above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000)

13.0 **Fees**

13.1 Fees are set annually by the District Council in relation to each period of Consent. Fees will be published on the Council's website and are available from the Licensing Team on request.

13.2 Applications must be accompanied by the appropriate full fee.

14.0 **Policy Review**

14.1 This Policy will be kept under review and a full consultation carried out when major changes are required to it. However, the Policy will be regularly evaluated and may be changed at any time to reflect minor administrative or legislative changes necessary or to amend any inconsistencies between the legislation and policy without a full consultation process being carried out. Any such changes will be agreed by the relevant Lead Member.

14.2 Major changes are changes where a significant amendment is necessary that:-

- is likely to have a significant financial effect on consent holders;
- is likely to have a significant procedural effect on consent holders; or
- is likely to have a significant effect on the community.

15.0 **Contact details**

Address: Licensing Team, Legal Services, Civic Centre,
Stone Cross, Northallerton, DL6 2UU
Tel: 01609 779977
Email: licensingteam@hambleton.gov.uk

EXCLUDED AREAS

1. BACKGROUND

Several towns within Hambleton District are currently operating systems whereby street traders may carry out trading on land owned or managed by the Town and Parish Councils. Those Councils are able to exercise control in respect of the goods sold, times of trading and standards of construction and behaviour. Often a fee is payable to the Town or Parish Councils. Consequently adequate control is already available to those Councils. The Councils in Bedale, Easingwold, Northallerton, Stokesley and Thirsk were approached in 2012 for general consideration and again during late 2014 to determine whether certain areas could be exempt from the scheme. This document identifies on maps those areas, shown hatched, where trading is excluded from the scope of the street trading scheme.

As each application for a Street Trading Consent is subject to prior permission of the land owner, where the trading is proposed to take place, and that the relevant parish council would automatically be consulted, all parishes would have the opportunity to make comments in regard of applications on areas within the scope of the scheme.

2. BEDALE

The draft scheme was discussed at the meeting of Bedale Town Council on 10th November 2014. The Town Council agreed that they would like to exclude the town park, the harbour and an area adjacent to Bedale Bowling Green. These are shown on maps 1, 2 and 3. These maps were prepared in consultation between the Town Clerk and Hambleton District Council's Environmental Health Manager.

3. EASINGWOLD

The draft scheme was discussed at the meeting of Easingwold Town Council on 18th November 2014. The matter was discussed further at their meeting in December 2014 when it was agreed that they would want all Easingwold Town Council owned and managed (as Custodian Trustees) land in and around the market place to be excluded. A map was forwarded annotated with the exclusion areas and this was converted by Environmental Health staff into map 4.

4. NORTHALLERTON

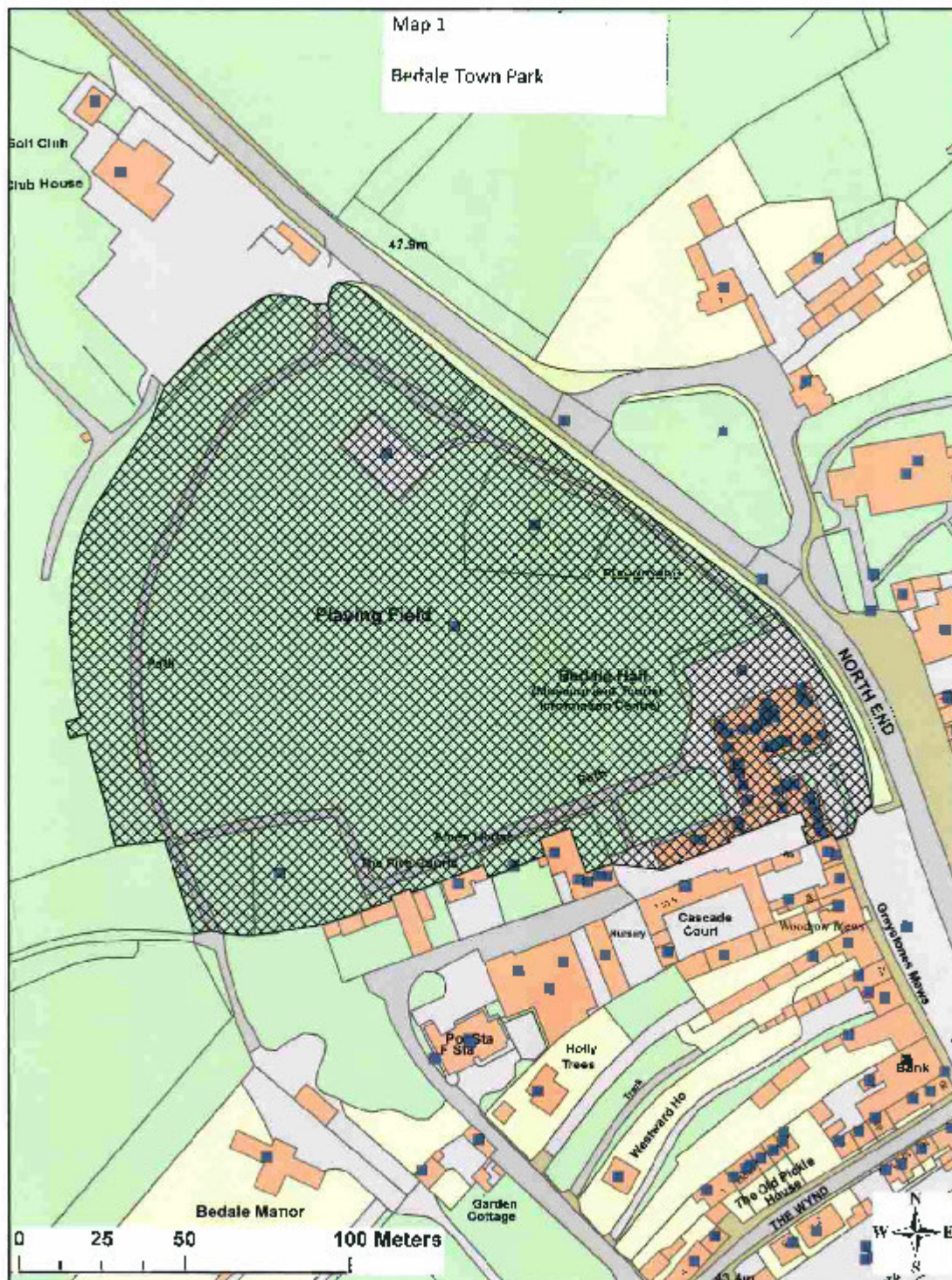
The proposed scheme was discussed by Northallerton Town Council at its meeting on 20th October 2014 when they confirmed support for the scheme without requesting any exclusions from the scheme.

5. STOKESLEY

The proposed scheme was discussed at a meeting of Stokesley Parish Council on 14th October 2015. Subsequently a map was produced showing areas of the town under the control of the Parish Council. This was converted into an electronic map (map 5).

6. THIRSK

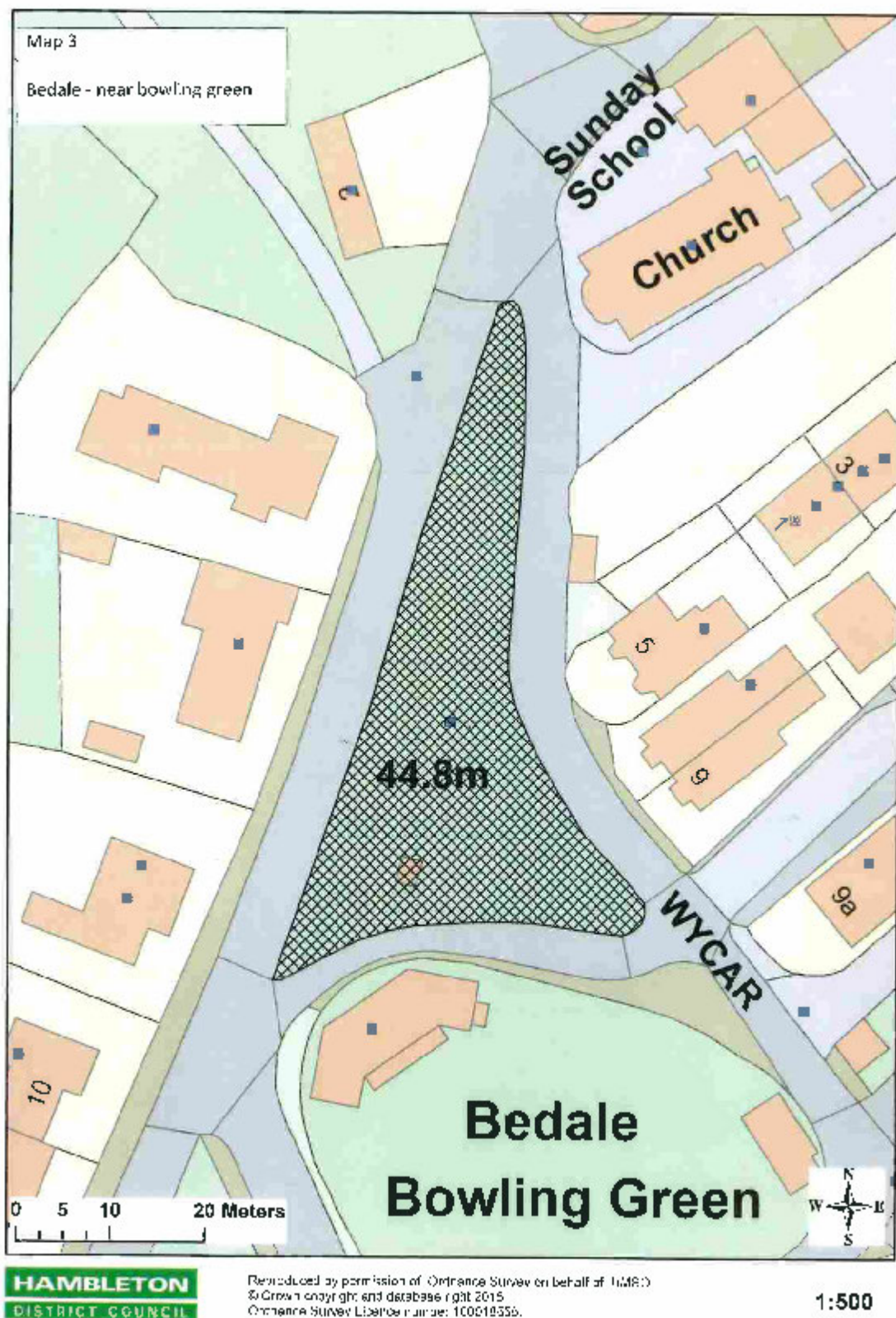
The proposed scheme was discussed at a meeting of Thirsk Town Council on 20th October 2014 and no recommendation for exclusion from the scheme was made.

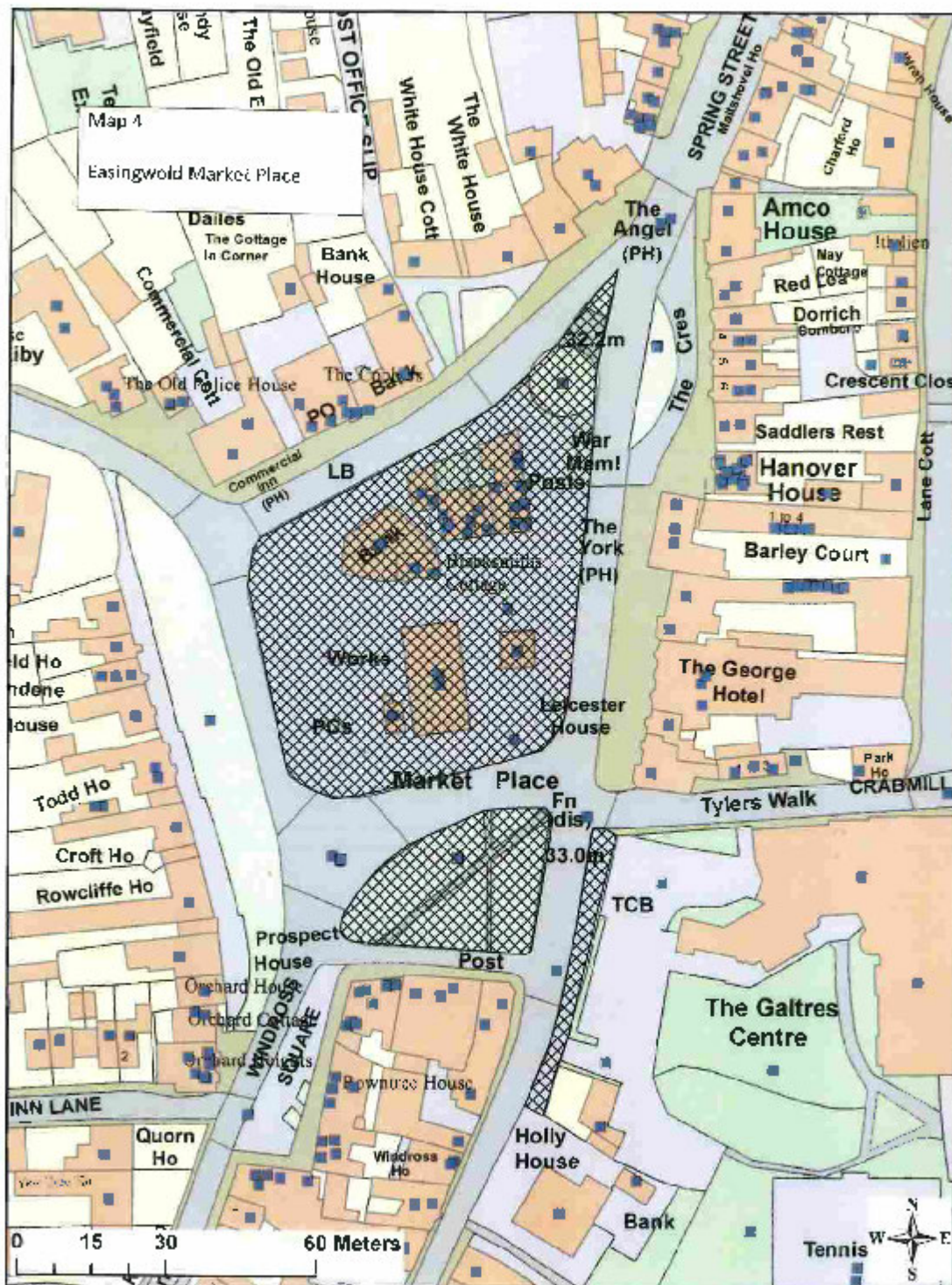


HAMBLETON
DISTRICT COUNCIL

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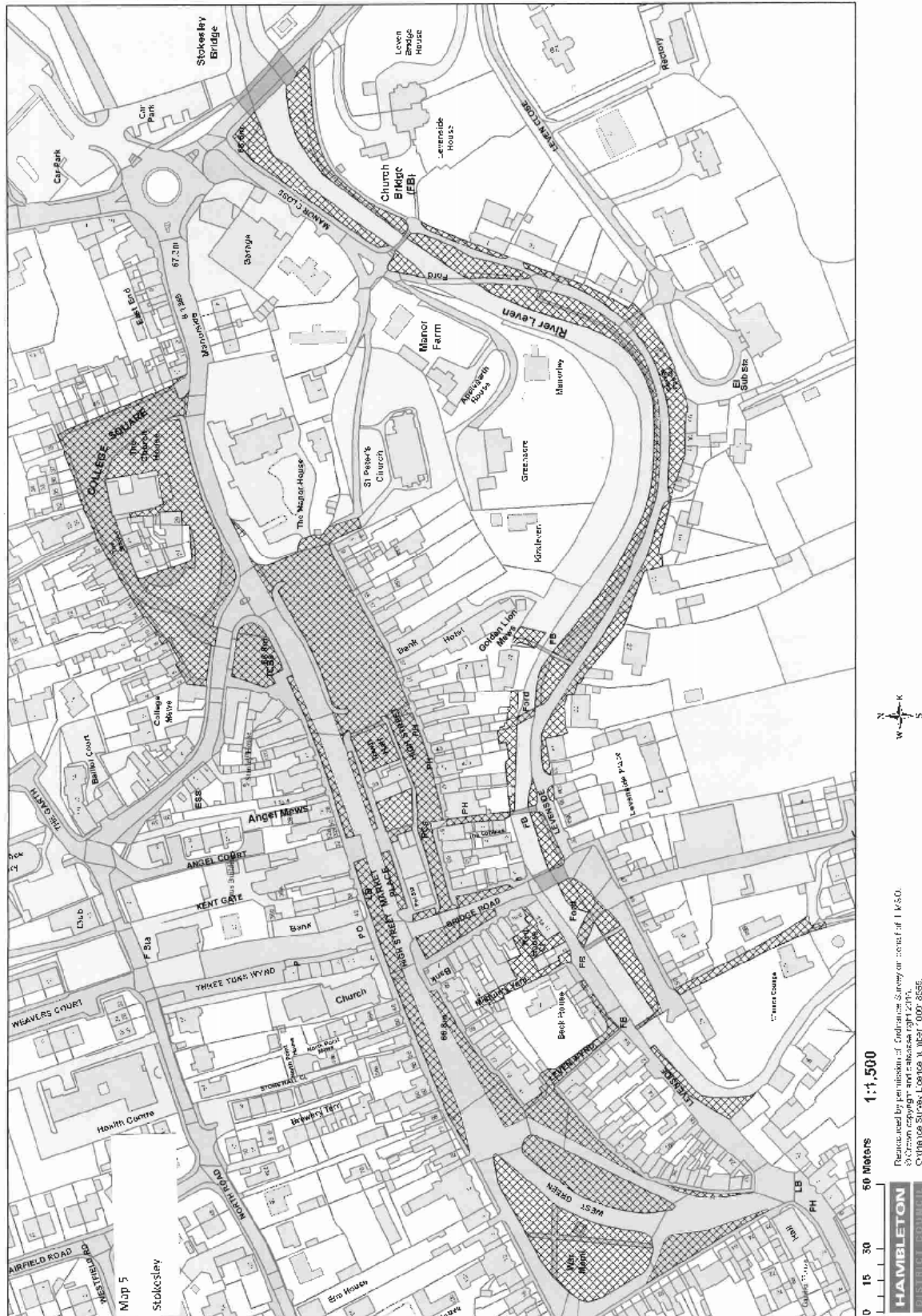




HAMBLETON
DISTRICT COUNCIL

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GENERAL STREET TRADING CONSENT CONDITIONS

1.0 CONDITIONS RELATING TO THE VEHICLE/STALL

- 1.1 The consent holder shall only trade from a vehicle/stall approved by the Council in writing and the consent shall only be valid in relation to a single vehicle/stall.
- 1.2 Any vehicle/stall used by a consent holder in the course of street trading shall be constructed and maintained to the satisfaction of all reasonable requirements of the Council as to its construction, safety, appearance and any display of advertisements. A high standard of presentation and appearance will be expected.
- 1.3 The consent holder must not store and sell goods and merchandise outside the approved area of the trading site.
- 1.4 A copy of the Consent, suitably protected against the weather, shall be prominently displayed at the consent site to which it relates whilst trading is taking place so that it can be seen and read by persons intending to purchase any article.
- 1.5 The consent holder shall maintain the stall or vehicle in a clean state and its structure shall be kept in good order, repair and condition.
- 1.6 Any vehicle/stall used for street trading must be readily removable at all times in the event of an emergency, or at any other time, be removed at the request of any officers of the emergency services or officer of the council.
- 1.7 The consent holder shall make such provisions as are necessary to prevent the deposit on any street of solid or liquid refuse and no discharge shall be made into any surface water drains.
- 1.8 The consent holder shall ensure that suitable fire extinguishers are immediately available at the street trading site if required by North Yorkshire Fire & Rescue Service or the Licensing Officer. If fire extinguishers are required they must be maintained in a satisfactory condition and regularly checked by a competent person or company.
- 1.9 The consent holder shall, at the request of the Council, present the vehicle/stall for inspection at such time and place as required by the Council.
- 1.10 The consent holder must have a valid insurance policy for public liability providing cover to a minimum amount of £2,000,000 and a certificate of this must be produced upon application.

- 1.11 The consent holder, if using LPG/Gas, must produce a current (i.e. within 12 months) Gas Safety Inspection Certificate for the relevant gas appliances and pipe work upon application and upon every renewal.
- 1.12 Evidence must be produced from a competent electrician of an inspection within the past 5 years of any electrical installation showing that it is safe and in a satisfactory condition.
- 1.13 The name and address of the consent holder shall be displayed conspicuously on the vehicle/stall.

2.0 CONDITIONS RELATING TO THE CONSENT HOLDER

- 2.1 The consent granted by the Council is personal to the consent holder and is not transferable. Where the consent holder is an employer, this consent will apply to named employees who have been previously notified to, and approved by, the Council. The consent may only be transferred to another vehicle, container or stall with the prior consent in writing of the Council.
- 2.2 Consent holders and authorised assistants must be 17 years of age and over.
- 2.3 The consent holder shall notify the Council in writing of any changes to their contact details.
- 2.4 Nothing in any Consent shall purport to grant to the consent holder any other licence or permissions required under any other Enactment or requirement and the consent holder is specifically advised to obtain such other approvals as may be required.
- 2.5 Nothing contained in these conditions shall relieve or excuse the consent holder or his 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 the consent.

3.0 CONDITIONS RELATING TO THE SITE

- 3.1 The consent holder shall trade only on the site as specified in the consent.
- 3.2 Outside of the permitted daily trading period, unless prior approval by the Council has otherwise been given not to do so, the consent holder shall remove the approved vehicle/stall from the consent site together with any and all objects or things of any nature whatsoever placed by the consent holder in the consent site (whether directly and ancillary to street trading or otherwise) which for the avoidance of doubt shall include (but shall not be limited to) planters, ornamental devices of any description, furniture, portable or other fencing, waste bins,
- 3.3 No signage, A boards or other such objects shall be placed on the highway or area surrounding the vehicle/stall without the appropriate authorisation. External tables and chairs may only be used upon written approval from the Council after first obtaining the appropriate highways permission from North Yorkshire County Council Highways Authority.

- 3.4 Any lighting provided at the consent site by the consent holder must be approved by the Council. If the trading site is located on, or adjacent to, the public highway, the lighting must also be approved by the Highways Authority. Strobe lights will not be used in any circumstances.
- 3.5 It is the applicant's responsibility to ensure that the site they are applying to use is suitable and they have a legal right to trade. No responsibility will be accepted by the Council for persons found to be trading from unsuitable or illegal sites.
- 3.6 No damage shall be caused to the public highway as a result of the street trading activity taking place and the consent holder shall reimburse the Council's costs in repairing any damage caused.
- 3.7 The consent holder will be responsible for keeping the area surrounding the vehicle/stall in a clean and tidy condition.
- 3.8 The consent holder, where relevant, shall ensure that the whole of the lay-by and adjacent verge/footpath (but not the carriageway) to a distance of 10 metres be kept free of litter and refuse at all times whilst resident.
- 3.9 The consent holder and the vehicle/stall must comply with all relevant road traffic and highways legislation. Possession of a Consent does not override parking restrictions or other traffic regulations.
- 3.10 No consent holder shall trade at his/her authorised location on dates when road closure directives are in place for special events otherwise than with the permission of the organisation applying for the closure order.
- 3.11 There may be times when the permitted area will be unavailable due to utility, maintenance or construction works. This is a normal function of the Highways Authority and utility companies and will not, therefore, be subject to compensation although every reasonable effort will be made to identify an alternative site during such occasions.

4.0 CONDITIONS RELATING TO THE OPERATION OF THE ACTIVITY

- 4.1 A street trading consent holder ("the consent holder") shall not trade outside the time and days permitted by the street trading consent ("the Consent").
- 4.2 The consent holder shall not sell any type of food, goods or merchandise other than that specified in the Consent.
- 4.3 There shall be no sale of goods that are likely to conflict with those provided by nearby shops and premises.
- 4.4 The consent holder shall not hold any auction or like sale.
- 4.5 No live animal or bird shall be permitted to be sold from any stall or vehicle, etc.
- 4.6 No advertising is permitted other than on the stall or vehicle. The fixing of signs or marking of the highway or street furniture is specifically prohibited.

- 4.7 The consent holder must provide adequate refuse storage adjacent to the sale area. The storage must be of a substantial construction, waterproof and animal proof. The trade waste must be removed at the end of each working day or if the amount of refuse warrants it, when the container is full, whichever is the sooner. Public litterbins are not to be used.
- 4.8 The vehicle/stall shall not be left unattended at any time and shall always be supervised by a person over the age of 17 years.
- 4.9 No poster, advertisement, signage or decoration of an unsuitable material or nature shall be displayed, sold or distributed on or about the vehicle or premises. For example, any material in breach of the Obscene Publications Act 1959, any material that is considered indecent, scandalous, offensive or likely to be harmful to any person likely to purchase it. Material may also be considered unsuitable if it is of such a nature as to distract motorists on the highway.
- 4.10 The consent holder shall not allow the sale of offensive weapons including imitation firearms, firearms, airguns, swords and crossbows, etc.
- 4.11 The consent holder shall conduct their business in such a manner so as to ensure that they do not:
- (a) cause a nuisance to the occupiers of adjoining properties;
 - (b) cause an obstruction to the vehicles or pedestrians in the street;
 - (c) cause a danger to occupiers of adjoining property or to other users of the street;
 - or
 - (d) cause annoyance or inconvenience to the users of the street
- 4.12 No process or operation shall be carried out which would give rise to a nuisance by reasons of noise, vibration, smoke or smell.
- 4.13 No trading of hot food or drinks shall be permitted before 5am or after 11pm unless a Premises licence has been granted in respect of the Licensing Act 2003. A Premises Licence is required for each consent area that a trader seeks to operate from.
- 4.14 With regard to special events and markets the consent holder must comply with all the conditions.
- 4.15 The consent holder shall comply with all legislation relevant to the conduct of the business in which they are engaged.
- 4.16 The consent holder or any person employed by them shall not use any loudspeaker, whistle, horn, bell or other audible method to attract custom, provided that this shall not apply to the use of loudspeakers on vehicles during the permitted hours of 12 noon to 7 p.m. in accordance with the Code of Practice on noise from ice-cream van chimes etc in England 2013 made under Section 62 of the Control of Pollution Act 1974.
- 4.17 The consent holder shall comply with any reasonable requirements of the Council or any of its officers or of any police officer in relation to the siting or operation of their street trading business.