

Please note that this version is no longer in force and has been superseded by edition 2

Street Trading Policy

July 2008

Edition 1



STREET TRADING POLICY

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1 Purpose

The purpose of the Council's street trading policy is to create a street trading environment which complements premises-based trading establishments, is sensitive to the needs of residents, provides diversity and consumer choice, and seeks to enhance the character, ambience and safety of local environments. It is further intended to highlight the requirements and standards expected of street traders in the District of South Somerset.

2 What is Street Trading?

Street trading means selling, exposing or offering for sale any article in a street. The term 'street' includes any road, footway or other area to which the public have access without payment. The scheme will therefore include all hot and cold food vendors, burgers, kebabs, doughnuts, etc., including ice cream vendors, and all vendors of non-food products who trade on static pitches from any vehicle, stall, barrow, trailer, or any other moveable construction. N.B. Commercial promotional activities (including sampling) also fall within this remit.

South Somerset District Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 for the whole of its area and has designated all streets in the area as 'consent streets' for street trading purposes.

The effect of this designation is that street trading in any street is prohibited, subject to legal exemptions, without first obtaining a street trading consent from the Council.

3 Exemptions from the need to obtain a Consent

Some types of trade are legally exempt from the need to obtain a street trading consent. These include:

- A person/persons holding a charitable street collection permit issued by the Council
- a person trading as a Pedlar under licence issued by a Police Authority.
- trade carried out by roundsmen e.g. milkmen.
- trade carried on at a petrol filling station.
- a news vendor selling only newspapers and periodicals.
- a market trader operating at a licensed market venue.
- Trading on private land may not need a consent. To confirm the situation it is advisable to contact Licensing Services. The landowner may need planning permission and it will be necessary to contact the Council's Planning department to check.

4 Street Trading Consents for which fees are not payable

South Somerset District Council will not require the payment of fees for the following street trading activities:

- fetes, carnivals or similar community based and run events.
- sales of articles by householders on land within the curtilage of their homes.

N.B. Although these activities are exempt from the payment of fees the landowner's permission must be sought on each occasion

5 Site Assessment

The Council will identify a number of suitable suggested 'pitches' for street trading and will maintain a map showing their location.

Consents may also be issued to mobile artists who sketch or paint, sell their own work and move from location to location.

In determining whether to grant a particular street trading consent the Council will have regard to:

- any effect on road safety, either arising from the siting of the pitch/activity or from customers visiting or leaving
- any loss of amenity caused by noise, traffic or smell
- existing Traffic Orders e.g. waiting restrictions
- any potential obstruction of pedestrian or vehicular access and/or access to shops
- any obstruction to the safe passage of pedestrians
- the safe access and egress of customers and staff from the pitch and immediate vicinity (including adequacy of lighting).
- disabled access
- any implications/conflicts with nearby shops and/or businesses
- suitability for the particular varieties of street trading and activities

6 Nature of Goods, Activities and Trading Hours

The Council would not normally grant a consent for the sale of goods or services which conflict with those provided by nearby shops.

Goods will normally consist of craftwork, fresh flowers, ice cream or soft drinks. Other types including services will be considered on a pitch by pitch basis and will have particular regard to local needs, shopping, product/ service diversity and balance.

Street trading hours will normally mirror those of shops in the immediate vicinity. In the case of hot food takeaways trading hours will be determined on a pitch-by-pitch basis.

The design and appearance of the stall, barrow, van or cart etc. used must be agreed by the Planning Officer and/or the Council's Principal Licensing Officer.

7 Issue of Street Trading Consents

Street trading consents will normally be issued for a period of three months. Consents for shorter periods may be issued for block or individual bookings for the purpose of organised street markets, events and for mobile street artists.

Fees for consents must be paid in full in advance. Failure to make payments may result in the consent not being renewed.

Any person granted a street trading consent should be aware that it may be necessary for the local authority to clean and maintain pavements, verges or the highway within the area granted a Consent. If possible, prior notice will be given to the proprietor of any work required or of any planned routine maintenance.

There may however be times when the permitted area will be unavailable due to utility, maintenance or construction. This is a normal function of the highway authority and utility companies and will not, therefore, be subject to compensation although effort will be made to identify an alternative trading site during such occasions.

Where a Consent has expired the pitch will become subject to paragraphs below.

When an existing or new pitch becomes available, the Council will publish a notice inviting applications for the said pitch. The notice will be carried by one or more of the following: Council website, Council Offices noticeboard, local newspaper, local radio; it may also be carried by other local publications.

Applications will normally be determined by the Principal Licensing Officer in consultation with other appropriate Council Officers and Portfolio Holders. Contentious applications will be determined by the SSDC Licensing Committee. Each pitch will be offered to the applicant whose proposal is considered most suitable for the particular pitch. If no suitable application is received the pitch will be re-advertised.

A consent cannot be issued to a person under the age of 17 years. An application may be refused if the applicant is unsuitable to hold the consent by reason of having been convicted of an offence or for any other reason.

8 Food Safety Requirements

Food Premises (Registration) Regulations 1991

All food businesses which trade in the street for more than 5 days in a 5 week period are required to register with the Local Authority where the business operates or in the case of a mobile vehicle the Local Authority where the vehicle is kept. Registration must take place at least 28 days before the business starts trading. Registration is free and simply informs the Council that a business will be starting up. It does not mean that the Council has approved

the business as complying with the law nor does it give the business any special rights to trade.

Food Safety Act 1990 (as amended)
Food Hygiene (England) Regulations 2006
General Food Regulations 2004

This legislation requires that any food (including drink and water) which is put on the market, is safe for consumption. Also covered by this law is food that may be given away or offered as a prize. In addition to the above legislative requirements, food business operators are also required to carry out food safety management. This is a system for ensuring the safety of food and the keeping of monitoring records. This needs to be done by food business operators to show compliance with the hazard analysis principles of the food operation.

Further advice can be obtained from the Local Authority and guidance can be found in the 'Industry Guide to Good Hygiene Practice: Market and Fairs Guide'. Detailed food safety requirements are attached hereto at Appendix 6.

9 Fee Structure

The fee structure will primarily reflect pitch location, trading days and hours. Other matters to be taken into consideration will include local needs shopping.

The Head of Environmental Health and Community Protection in consultation with other appropriate Council Officers and Portfolio Holder(s) has delegated authority to set fees and to annually review the fee structure.

Some sites identified may be put out to tender and in such cases the acceptance of the successful tender will be in consultation between the Principal Licensing Officer, appropriate Council Officers and Portfolio Holder(s).

The Council is not bound to accept the highest or any tender that it may receive.

10 Conditions and Enforcement

Standard conditions will be attached to every street trading consent detailing the holder's responsibilities to maintain public safety, avoid nuisance and generally preserve the amenity of the locality.

Specific conditions will also be attached such as the days and hours when street trading is permitted, the goods which may be sold and the size of the pitch.

The proprietor or stall holder will fully indemnify the Council against all costs, claims, expenses, demands, charges or liability of any description arising out of, or in connection with the granting of the street trading consent whatever and however arising as a result of the activities.

It will also be necessary to provide evidence that public liability insurance to the minimum value of £5 million has been obtained and that the business is registered with the Council if food sales are proposed. Applications will not be considered without this evidence.

The proprietor or stall holder may be held liable for any damage caused to the verge, pavement, highway or any other item of street furniture caused through the operation of his/her business.

Persons trading without a consent and who are not exempt (see 3 for examples) will be the subject of enforcement action in accordance with the Council's Enforcement Policy. This will include any person who holds a certificate granted under the Pedlars Act 1871, but who fails to operate in accordance with the Act.

11 Revocation

The Council may revoke a street trading consent after it has been granted. This may be for a variety of reasons such as non-compliance with conditions, non-payment or because other agencies such as the utility companies require access to the trading location.

In such event the person or company issued with the street trading consent shall have no claim against the Council.

If an application is refused or a consent revoked there is no statutory right of appeal against the decision other than judicial review.

12 Other relevant legislation

In addition to conditions attached by the Licensing Authority applicants attention is drawn to the requirements of other relevant legislation which may impact on their business.

12.1 Health and Safety

All businesses are required to comply with the relevant statutory requirements of the Health and Safety at Work etc. Act 1974 and associated regulations. These set out the requirements of the health, safety and welfare of staff and users. Further advice can be obtained from the Local Authority or the Health and Safety Executive website: www.hse.gov.uk

12.2 Safety Policy

If an employer employs more than 5 people, he/she is required by law to produce a written health and safety policy which their staff must read, understand and follow.

The written policy must:

- i) state their general policy on health and safety.
- ii) state who is responsible for carrying out the policy.
- iii) be revised whenever appropriate

12.3 Risk Assessment

Any person granted a street trading consent must carry out an assessment of the health and safety risks associated with their business. To do this they must look for the hazards (the things which can do harm) associated with their business. Then they must decide who might be harmed (them, their staff, customers or other members of the public) and how. The next step is to evaluate the risks (the chance, high or low that somebody will be harmed by the hazard) and decide whether the existing precautions are adequate or whether more should be done. If they employ more than 4 people they have to record their findings. Finally they need to review their assessment on a regular basis and revise it if necessary.

Further information is available in the HSE Booklet 'Five Steps to Risk Assessment'

Persons granted a street trading consent should also be aware of the Regulatory Reform (Fire Safety) Order (RRFSO) which came into force in England and Wales on 1st October 2006. Further information is available from the Council's Licensing Services section or at www.devonandsomersetfire.co.uk.

12.4 First Aid

A proper first aid kit must be provided and all staff must know where to find it. The kit must contain plenty of waterproof dressings (blue if possible), bandages and protective finger stalls. The level of first aid cover should be determined through the risk assessment process.

12.5 Fire fighting equipment

They must provide equipment appropriate to the types of fire they may face eg. Cooking fat, LPG, electrical etc. This will normally consist of a fire blanket and a dry powder fire extinguisher both of which should be located near to the door or entrance of the vehicle or stall.

12.6 Liquefied petroleum gas (LPG)

All LPG installations must be in accordance with the code of practice detailed in Schedule 1.

12.7 Electrical safety

If an electrical generator is used or a connection is made to a permanent electricity supply the consent holder must ensure that the electrical installation is safe. If there is any doubt as to the integrity of the supply or installation the council may ask for them to provide a safety certificate from a competent person or body. In most circumstances an inspection by an NICEIC or ECA approved electrician will be satisfactory.

At no time should electric cables be draped across roadway, public footpaths or any other area where the public have access.

12.8 Electricity Generators

If a generator is to be used to supply electricity for any stall or vehicle it shall be maintained in good condition and operate without producing any visible smoke. The generator shall be suitably silenced so that it cannot be heard by anyone at the nearest premises.

13 Social Inclusion

The Council will fulfil its duty to ensure that disabled persons and those from ethnic minority groups have an equal opportunity to apply for and operate street trading consents.

14 General

Through its tourism service and by other means, the Council will seek opportunities to promote appropriate street trading activities.

This policy will complement and inform other Council initiatives including those on street entertainment and encouraging entertainment diversity.

This policy will be the subject of periodic monitoring and review.

This policy will inform the detailed conditions attached to every street trading consent.

This policy will be applied in a manner which is consistent with the Council's equalities policies.

Useful Contacts:

Licensing Services:	01935 462462
Environmental Health:	01935 462462
Planning (Duty Planner):	01935 462462

Appendix 1

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 STREET TRADING CONSENT CONDITIONS

1. Definitions
 - (i) 'street' includes –
 - [a] Any road, footway, beach or other area to which the public have access without payment; and
 - [b] A service area as defined in section 329 of the Highways Act 1980 and also includes any part of a street;
 - (ii) 'street trading' means –
the selling or exposing for sale of any article (including a living thing) in a street; N.B. Commercial promotional activities (including sampling) also fall within this remit.
2. These conditions may be dispensed with or modified by the Council in any individual case by means of a consent variation in accordance with the statutory requirements.
3. The Council reserves the right to exercise its powers under the Local Government (Miscellaneous Provisions) Act 1982 to prohibit any street trading for a maximum of six days in any one year where it is deemed necessary by the Council subject to notice in writing at least 14 days prior to removing the consent day(s).
4. The consent given by the Council is not transferable and is applicable to the consent holder only and it will relate to a specific stationary van, cart, barrow or other vehicle or moveable stall which has been approved by the Council in writing.
5. The Council retains the right to alter the allocated sale area in the event of unforeseen circumstances.
6. Traders shall comply with any recommendations/advice given to them by the Council, any Authorised Officer of the Council or a Police Officer.
7. A copy of the Councils Street Trading consent notice, suitably protected against the weather, shall be conspicuously displayed on the stall, barrow, cart etc., to which the consent applies, so that it is clearly visible to the public.
8. The consent holder(s) shall notify the Licensing department within 72 hours of any convictions or proceedings arising out of the use or enjoyment of the consent.
9. The consent holder shall not assign, underlet or part with his/her interest or possession under this consent without informing the Council in writing.
10. 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.
11. If trading is to take place on private land, the trader must have written permission from the land owner that trading can take place.

12. Traders/trader assistants must report the loss of a consent notice to the Council's licensing department within 72 hours of losing it.
13. Traders/trading assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch or on their position will have their licence revoked.
14. Only those goods or services specified on the consent may be sold or offered or exposed for sale on the street trading consent pitch.
15. Goods may not be of an inflammable, corrosive or otherwise dangerous nature.
16. All goods shall be clearly priced and goods sold by weight or number shall indicate the unit of quantity in which they are being offered for sale. A street trader offering a service shall make clear the nature and cost of that service.
17. Traders shall notify the Council in writing details of any assistants or of change of assistants working on the pitch.
18. Trading may only take place on the days and during the times specified on the consent without special authorisation being given in writing from the Council.
19. Traders and their assistants employed by them shall ensure the public are treated fairly and with courtesy at all times.
20. Traders shall conduct their undertaking in such a way as to ensure so far as is reasonably practicable that no person is exposed to risks to their Health and Safety.
21. Traders shall notify the Council in writing of any change of address or addresses at which the stall and perishable goods are stored. Such notice shall be given within 7 days of the change.
22. If a trader wishes any of the terms of the consent to be varied or to seek the Council's agreement under these rules, application must be made in writing to the Council in accordance with the statutory requirements.
23. The street trading consent holder will be required to abide by all current bye-laws where applicable (copies available on request).
24. The street trading consent holder will be responsible for ensuring compliance with all legislation and the like covering the siting, operation and management of the sale area (including relevant road traffic and highways legislation if applicable) and for the payment of any fees so required.

Site Conditions

25. The trader will be responsible for cleansing the trading area and ensure that all refuse arising as a result of the activities of the trader shall be placed in suitable covered containers provided by the trader, unless otherwise provided by the Council, and shall be kept exclusively for that purpose. Such refuse containers shall be kept as clean as is reasonably possible and disposed of in an approved manner on a daily basis.

26. The trader shall make such provision as is necessary to prevent any discharge of water or effluent from the street trading activity to any surface drainage or any other watercourse.
27. The trader when operating on a static site shall have access to suitable and sufficient sanitary accommodation for both the consent holder, and any persons employed in the street trading activity.
28. Advertisements or other notices must not be placed outside of the area of the street trading site without the approval of the Council. The trader shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of handbill, public address system or otherwise without the express written consent of the Council.
29. The trader shall not place on the street or in a public place any furniture or equipment other than as permitted by the consent and he/she 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.
30. Traders shall not allow any obstruction to fire hydrants, manholes or other street furniture etc, resulting from their business.
31. The trader shall trade only from the position, which is detailed on the consent, unless directed to or agreed to by the Licensing Authority.
32. The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for the making good of any such damage.
33. Fabrics or other sheet materials used in the construction of the stalls, roof coverings, drapes or awnings shall be rendered flame retardant and maintained in that condition to the satisfaction of the Council.
34. No heat producing equipment shall be used without the express permission of the Council and any such equipment shall be so placed within the trading areas as to offer maximum safety to the public. The position of such equipment in relation to other goods or materials shall be agreed with the Authorised Officer of the Council.
35. Traders selling food products, shall comply with the provisions of the Food Safety Act 1990 (Amendment) Regulations 2004, General Food Regulations 2004, Regulations (EC) No. 178/2002, 852/2004, 853/2004 of the European Parliament and of the Council and the Food Hygiene (England) Regulations 2006.
36. Liquefied Petroleum Gas shall not be used without the express permission of the Council and any equipment using this gas shall have only flexible and approved armoured hoses complying with the relevant British Standard Specification or equivalent.
37. No mobile generators shall be used without the express permission of the Council. Where permission is granted generators shall be so positioned that: - they do not present a danger to the public, do not present a fire or similar hazard to the stall, goods displayed thereon or adjoining premises and do not give rise to a nuisance by reasons of noise, vibration, smoke or smell.

38. A competent person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.
39. No combustible materials are to be stored in the vicinity of a generator and suitable first aid and fire fighting appliance(s) must be immediately available.
40. Wherever possible all generators must be fuelled by diesel oil.
41. No fuel may be stored in the vicinity of a generator.
42. Generators must not be filled up during the trading day. All generators should be filled up at the start of the day before trading.
43. The consent holder shall ensure that any equipment, such as a generator, is in a safe working condition and suitably cordoned off to ensure that the general public do not have access to the equipment.
44. All traders using any form of power must have a minimum of a one-litre fire extinguisher.
45. No vehicle, unless agreed with the Council will be permitted to park on or adjacent to the sale area. N.B. All permitted vehicles must have oil drip trays unless otherwise agreed with the Council.
46. No street trading consent holder shall operate within 100 metres of any school entrance, or after 10.30 pm any night within 200 metres of the entrance to any late night entertainment venue.
47. A copy of the consent, suitably protected against the weather shall be displayed in a prominent position on the stall or vehicle at all times when trading is taking place.
48. The name and address of the operator and other address at which the trailer is normally kept or garaged must be conspicuously and legibly displayed upon it in a place where the public may view it.
49. Where a structure is not removed at the end of the trading day, no additional permanent or semi-permanent additions or paving shall be erected or constructed adjacent to the structure for which, consent has been granted.
50. No signage or objects shall be placed on the highway or area surrounding the vehicle/premises and fly posting within the South Somerset District Council area will not be permitted.

Town Centre Conditions

51. The trading area shall not exceed that for which consent has been granted.
52. If a trader is not using a pitch for a period longer than seven days then the trader/consent holder must notify Licensing Services.
53. Traders shall commence trading, with their stalls in position and goods contained within the pitch area by 9.30am and should not be moved before 5.30pm. No unauthorised vehicles are allowed onto the consented areas between these hours without special authorisation in writing from the Parking Administration Office at the Council.
54. Vehicles may only be used for delivery before 10.30am and after 5.30pm in the consented areas. Once any vehicles have been unloaded, they should be removed from the consented area immediately.
55. All electric power supplied must be protected by residual current devices. Any appliance is to be separated from the supply outlet by a fuse of suitable rating.
56. All electrical cables or flexes, which are suspended over the public footway or carriageway shall be adequately supported.
57. All electrical cables or flexes, which run along the ground and are in a position where the public could come into close contact with them, must be fitted with rubber cable protecting mats.
58. The roof awning or any other projection shall be contained within the pitch area unless agreed by the Council.
59. All goods, containers or other articles shall be contained within the licensed pitch area and height and shall not project beyond.
60. Traders shall not use or permit to be used on the pitch area or within the immediate vicinity any radio, cassette or CD players or other equipment or apparatus to produce music or other amplified sound.
61. Although the rights of established traders to fair trading conditions are recognised, the Town Council may give consent to street trading where it is undertaken in a traditional and/or innovative manner and, in the Town Council's view, adds to the colour and atmosphere of the Town Centre
62. Consent will not be normally given to allow street trading to take place within a walking distance of 50 metres of an established trader selling the same items; and
63. No consent will be given where, in the Town Council's view, there are already sufficient street trading consents operating.

Food Trading

64. Vans and stalls used for cooking must be adequately ventilated.
65. The business must comply with current food safety legislation.

66. All staff must have attended, as a minimum, "level 1" Food Hygiene training within the past 5 years. Evidence of Food Hygiene training must be available for examination by an authorised officer of the Council at any time when the unit is trading.

Revocation or Surrender of Consent

67. Failure to comply with any condition attached to the street trading consent may result in the revocation of such consent. N.B. In such event the person or company issued with the street trading consent shall have no claim against the Council.
68. The Council may revoke this consent 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.
69. The holder of street trading consent shall return the said consent to the Council immediately on revocation or surrender of the consent.

Appendix 2

CODE OF PRACTICE FOR THE USE AND/OR OF STORAGE OF LIQUEFIED PETROLEUM GAS IN MOBILE SHOPS, SNACK BARS AND STALLS

Storage of L.P.G. Cylinders

1. If stored externally, these should be:
 - (a) Sited on a firm standing.
 - (b) Fitted in an upright position with the valve uppermost in an upright stand or otherwise securely held.
 - (c) Protected from accidental damage or interference.
 - (d) So sited that the top is below the level of the stall openings, or 1 metre away from such openings.
2. If stored internally:
 - (a) Cylinder should be kept in a compartment that is gas-tight from the interior having half-hour fire resistance.
 - (b) The compartment should be sufficient to contain spare cylinders.
 - (c) The compartment should be positioned away from the service area.
 - (d) Access to the compartment must only be from the exterior of the vehicle and must be fitted with a lock.
 - (e) Compartment ventilation must be at both high and low levels.
 - (f) The compartment must be identified with a suitable sign conforming to BS 5378 11980, e.g. 'L.P.G. HIGHLY INFLAMMABLE'
3. The total quantity of L.P.G. available at a premises should not exceed 50kg.

Gas Pipes and Fittings

1. All ferrous pipe-work and fittings to be protected from corrosion. Non-ferrous pipes to be drawn copper or stainless steel with compression-type fittings.
2. No pipes to be run through box sections or cavities.
3. All joints and unions to be easily accessible.
4. Pipes to be securely fixed in position.
5. Flexible hoses to be as short as possible. Only hoses conforming to BS 3212 are to be used and should be changed every two years. All hoses should be secured with proper hose clips.
6. All valves and fittings to be tested with soapy water at regular intervals to ensure that they areas tight.

Fire Extinguishers

1. A dry powder extinguisher conforming to BS 5423 1987 (for current extinguishers) or BSEN3 (for all new extinguishers) must be provided.
2. Extinguisher size to be determined using the following table:

Length of Vehicle	Extinguisher Capacity
Up to 3.5 metres long	1 x 2 kg
Between 3.5 and 4.5 metres long	1 x 4 kg
Over 4.5 metres long	1 x 6 kg

3. Extinguishers should be mounted on wall brackets approximately 1 metre from floor level and adjacent to the exit.
4. A competent person must service extinguishers at least once per year.

Ventilation

Ventilation in the vehicle or trailer must be sufficient to provide oxygen for gas burning appliances and to remove the products of combustion. This should be by means of permanent vents at high and low levels.

WARNING – ALL L.P.G. EQUIPMENT IS DANGEROUS UNLESS INSTALLED PROPERLY AND REGULARLY MAINTAINED BY COMPETENT PERSONS. PROFESSIONALLY QUALIFIED PERSONNEL SHOULD CARRY OUT ALL INSTALLATIONS AND MAINTENANCE. THE USE OF L.P.G. SHOULD BE TREATED WITH RESPECT AT ALL TIMES. ALL STAFF MUST BE TRAINED WITH REGARD TO PROCEDURES IN CASE OF FIRE.

APPENDIX 3

GUIDE TO APPLICANTS

Section 1 - Submission of the Application

An application for a Street Trading Consent must be made to South Somerset District Council in writing. The application form and a Notice of Application are included at Appendix 4. If you need any help in completing the application form please contact the Council's Licensing department on 01935 462462.

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

1. A completed and signed Street Trading Consent application form and a Notice of Application for a Street Trading consent.
2. The full fee. N.B. The fee (minus the cost of administration) will be refunded if consent is not granted.
3. Where the proposed street trading activity is from a fixed position, 2 copies of a plan of at least 1:1250 scale. The plan should clearly identify the proposed site position by marking the site boundary with a red line.
4. Two colour photographs of the stall, van, barrow cart etc that will be used for the street trading activity.
5. 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 million.
6. Written permission from a landowner if the street trading activity is to be carried out on any land not in the ownership of South Somerset District Council.

An applicant for the grant of a first time Street Trading consent **should give a minimum of 60 days notice of the application to:**

Principal Licensing Officer
Licensing Department
South Somerset District Council
Council Offices
Brympton Way
Yeovil
Somerset
Telephone: 01935 462462
Fax: 01935 462142
Email: Licensing@southsomerset.gov.uk

Section 2 – Consultations on applications made

Before a Street Trading Consent is granted or renewed the Council will carry out a consultation process with various persons and groups. In particular we may consult with the following organisations or persons:

- The highways authority for South Somerset District Council
- Avon and Somerset Police
- Devon and Somerset Fire and Rescue
- The local Chamber of Commerce, Industry and Tourism
- The land owner of the proposed street trading site if it is on private land.

Written observations from the above bodies, organisations and occupiers of properties will be sought and taken into consideration when determining an application that has been made to the Council.

Section 3 – 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 pitch/activity itself, or from customers visiting or leaving the site; **or**
2. There would be a significant loss of amenity caused by, noise, traffic or smell; **or**
3. There is an already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; **or**
4. There is a conflict with Traffic Orders e.g. waiting restrictions; **or**
5. The site or pitch obstructs either pedestrian or vehicular access, access to shops, 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.

Section 4 – 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 with the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with the following legislation:

- Food Premises (Registration) Regulations 1991
- Food Safety Act 1990 (as amended)
- Food Safety (general Food Hygiene) Regulations 1995
- Health and Safety at Work etc Act 1974 and any regulations made under this Act
- Environmental Protection Act 1990

Further advice on any of the above requirements can be obtained by telephoning the Environmental Health Department on 01935 462462

Section 5 – Determination of the application

The Licensing Committee and officers on a delegated basis 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 own merits and individual circumstances, where appropriate, may be taken into consideration.

5.1 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 section 3 on site assessment criteria.

5.2 Public Order

The street trading activity should not present a risk to good public order in the locality in which it is situated. Observations from Avon and Somerset Police will be taken into consideration under this heading.

5.3 Avoidance of nuisance

The street trading activity should not present a substantial risk of nuisance from noise, smells or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from Council Officers shall be taken into consideration under this heading.

5.4 Needs of the area

The sufficiency of other trading outlets will be taken into consideration in relation to:

1. The presence of like outlets already existing in the immediate locality of the proposed street trading site.
2. The general needs of a locality should no comparable outlets be in existence.

Applicants will need to demonstrate to the Council the need for the proposed street trading activity in relation to either points 1 or 2 above, whichever applies.

5.5 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.

5.6 Consultees observations

In relation to points 5.1 – 5.4 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 relevance and appropriateness to the application that has been made.

Section 6 – Approval of applications

The Council's Licensing Committee or officers on a delegated basis may approve applications meeting the criteria contained within these guidelines.

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. 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 the area of South Somerset District Council. They **MUST** be complied with at all times and failure to do so could lead to the Consent being either revoked, or not renewed.

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

Section 7 – Issue of Street Trading Consents

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. Consents will normally be issued for a period of 3 months. Consents for shorter periods may be issued for block or individual bookings for the purpose of organised street markets, events and for mobile street artists. These particular Consents will expire, unless renewed, on the date specified in the Consent.

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 in full in advance. Cheques should be made payable to "South Somerset District Council". The current fees are shown at Appendix 5

Please note, if a cheque is dishonoured by a bank this will result in the revocation of the Street Trading Consent issued by the Council unless payment of the outstanding fees is made in cash within 5 working days. In such cases an administration charge will also be imposed on the Consent Holder.

Street Trading Consents and unit identification plates will be issued only at the Council Offices. The applicant must attend in person to collect any documentation or plates. This also applies for replacement documentation or plates.

Section 8 – Consideration of applications by the Licensing Committee

Any Consents which cannot be approved by Officers on a delegated basis (by use of the guidelines) will, in the first instance, be referred to the Licensing Committee.

Section 9 – Consideration of applications by the Licensing Committee

The Council's Licensing Committee has been established to consider applications, hear objections and appeals in relation to licensing matters. The Committee consists of 12 elected members of South Somerset District Council who have received specific training in licensing issues. The Committee is supported by the Principal Licensing Officer, a Clerk and a Solicitor. Licensing Committee meetings are normally held in public unless there are matters to be considered that are of a confidential nature.

The role of the Licensing Committee is to :

1. Determine applications to which objections have been made; or
2. Determine unopposed referred applications that do not meet the criteria contained within these guidelines; or
3. Hear appeals from applicants against the imposition of a condition on a Consent by an officer on a delegated basis.

An applicant wishing to make an appeal against conditions attached to a Street Trading Consent must do so in writing within 21 days of being issued with the Consent. The appeal should set out:

1. Details of the condition or conditions being appealed against; and
2. The reasons for making the appeal.

All appeals should be sent to:

Principal Licensing Officer
Licensing Department
South Somerset District Council
Council Offices
Brymton Way
Yeovil
Somerset
BA20 2HT

On receipt of a written objection, or an unresolved application that does not meet the criteria in these guidelines, or an appeal against an officer decision on conditions attached to a Consent, arrangements will be made to have the appeal or application heard either by the Portfolio Holder or at the next available meeting of the Licensing Committee.

Once arrangements have been made for the application to be heard by the Licensing Committee persons making the objection, appeal or reference to the Committee will be advised in writing of the date, time and place where the application will be heard.

The person making a reference of an application or an appeal to the Licensing Committee will be expected to attend the hearing. The applicant can be represented by a Solicitor, or supported by a friend or colleague. The Licensing Committee will follow a set procedure that will be notified to the applicant in advance of the meeting, along with any officer reports that will be presented at the meeting.

In determining an application the Licensing Committee will consider presentations from the person making the objection, reference or appeal, and the Council's Principal Licensing Officer. Either side may use witnesses and supporting documentation may be submitted to the Licensing Committee for consideration.

The Licensing Committee will consider all the evidence presented to it during the hearing and members may ask questions of officers and persons making an objection, reference or appeal. After hearing the evidence presented to it, the Licensing Committee will retire and come to a decision on the application. When a decision has been reached the Committee will inform the applicant of their decision, and the reasons for coming to that particular decision. The decision of the Licensing Committee will be confirmed in writing to the applicant within 5 working days of the meeting at which the application was considered.

Where objections have been raised to the granting of a Street Trading Consent the Licensing Committee will consider the objections made. Persons who have raised objections to the application will be allowed the opportunity to address the Licensing Committee and ask questions relating to the application. Letters of objection that have been received by the Council will be circulated to members of the Licensing Committee in advance of a meeting where a contested application is being considered. The letters of objection will also be sent to the applicant.

The Licensing Committee will always strive to ensure that when it is considering an application all persons get a proper and fair hearing through:

1. Considering each case on its own merits
2. Using these guidelines to assess applications where it is felt appropriate
3. Dealing with the appeal in a balanced and impartial way
4. Ensuring that the rules of natural justice are applied in any hearings held.
5. Giving a person making an appeal, a reference or an objection sufficient opportunity to present their case, ask questions of officers and members of the Committee and present information for consideration in support of their appeal or objection.

Section 10 – Refusal of applications

Where the Council refuses an application the applicant will be informed in writing of the reasons for not granting the application. The decision of the Licensing Committee is final.

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 Licensing Committee may though seek a Judicial Review of the decision of the Licensing Committee should it be felt necessary.

Section 11 – General information on Street Trading Consents

11.1 Trading unit identification plates

All vehicles, stall, 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 their 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.

11.2 Reimbursement of fees

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Council. Any fee reimbursement will be strictly on the following basis:

1. From the date the Consent is surrendered to South Somerset District Council; or
2. From the date that the Consent is revoked by South Somerset District Council.

Any refunds of a fee paid in connection with the granting of a Street Trading Consent will be based on the following formula:

Number of complete days remaining multiplied by the Daily Fee **minus** the current administration fee.

11.3 Persons under the age of 17 years

The Council will not grant a Street Trading Consent to persons under the age of 17 years.

11.4 Access by Council and Police officers

Consent Holders should allow access to Authorised Officers of the Council and Police officers at all reasonable times. Council officers will carry with them and produce on request official identity cards issued by South Somerset District Council. If you have any doubts about a person claiming to be from South Somerset District Council ask to see their official identification card.

11.5 Street Trading Consents

The conditions attached to all Street Trading Consents stipulate that a Consent Holder cannot and shall not assign, underlet or part with his/her interest or possession of a Street Trading Consent.

*The Consent granted is specific to the person it is issued to and is **non-transferable**.*

Section 12 – Enforcement of street trading

South Somerset District Council will actively enforce the provisions of the Street Trading Scheme within its area in a fair and consistent manner. In doing so all enforcement activities will comply with the Council's Enforcement Policy.

The following principles will be adhered to when carrying out street trading enforcement activities:

- Openness:** The Council will be open about how it enforces the legislation in relation to street trading. It will consult with interested parties and ensure that officers discuss compliance failures or problems with persons experiencing difficulties.
- Helpfulness:** The Council will work with people to advise on and assist with compliance of the relevant legislation. It will also strive to provide a courteous and efficient service to its customers.
- Proportionality:** The Council will minimise the cost of compliance for businesses and individuals by ensuring that any action taken is proportionate to the risk or wider public benefit. Officers will have regard to the human rights of all parties involved in its enforcement activities.
- Consistency:** The Council will carry out its duties in a fair, equitable and consistent manner. Officers will have regard to national Codes of Practice and guidelines and the contents of this document.

APPENDIX 4

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

APPLICATION FOR A STREET TRADING CONSENT

Consents can only be given to persons aged 17 or over.

PLEASE NOTE:

- (a) Consents will normally be granted for a period of 3 months. If a consent is required for a lesser period, please indicate.
- (b) An application for a consent must be accompanied by the appropriate fee. In the event that the application is refused, the fee will be refunded minus an administrative charge.

Please enter in the space below the value of fee enclosed. N.B. The current schedule of fees is attached hereto.

I enclose the application fee of:

N.B. This fee minus an admin charge will be refunded if the consent is not granted.

Name:	
Address:	
Date of Birth:	
Tel No: Mobile Contact No:	
Trading Name (if applicable)	
Type of Trading: eg craftwork/flowers/fruit and veg	If a food trading business: (a) Where is food prepared?

	(b) Where is food stored?
Is the trading for a charitable event?	YES/NO If YES, give details of charity and registration no.
Location of Trading: (Note : the exact site is required, eg what part of St Mary Street)	
Type and size of stall (if any):	The exact type and construction of stall: Is the stall fitted with wheels, i e is it mobile?
Hours of trading: The days and times of operation:	

*Have you ever been convicted of any criminal offence:	
If the answer is yes, please give particulars below:-	
Date:	
Court:	
Offence:	
Result:	
*Other than spent convictions as defined in the Rehabilitation of Offenders Act 1974	

If a consent has been previously issued please state date of issue:

Signature:

Date:

Appendix 5

Proposed fees (for consultation)

	Week Day per day	Weekend per day
Retail permanent	£11	£20
Lay by charge	£11	£11
Retail casual	£13	£25
Promotional	£150	£150

Inclusive of VAT

APPENDIX 6

FOOD SAFETY REQUIREMENTS

Food Premises (Registration) Regulations 1991

All food businesses which trade in the street for more than 5 days in a 5 week period are required to register with the Local Authority where the business operates or in the case of a mobile vehicle the Local Authority where the vehicle is kept. Registration must take place at least 28 days before the business starts trading. Registration is free and simply informs the Council that a business will be starting up. It does not mean that the Council has approved the business as complying with the law nor does it give the business any special rights to trade.

Food Safety Act 1990

The Food Safety Act requires that the food you handle and sell is safe for consumption. The detailed requirements which you must meet to ensure that food is safe are laid out in the Food Safety (General Food Hygiene) Regulations 1995 and the Food Safety (Temperature Control) Regulations 1995. The following information gives a summary of the key requirements of these regulations.

Hazard Analysis

In addition to complying with the detailed food safety requirement which are laid out in the regulations you as the proprietor of a food business must carry out what is known as a hazard analysis of the food operation.

You must therefore:

- Ensure that all food is sold in a hygienic manner;
- Identify food safety hazards;
- Understand which steps in your operation are critical for food safety;
- Make sure that safety controls are in place at these points and that they are maintained and reviewed.

A hazard is anything which may cause harm to your customers through illness and injury. This includes the potential to cause food poisoning, the presence in food of foreign material, such as glass or metal, and chemical contamination.

The controls for these hazards do not have to be complex and there are a number of systems that can be used by food businesses to ensure that hazards are identified and ways found to control the risk.

This approach will mean that food hygiene can be planned for in easy steps, giving a clear understanding of the controls that are important to your business. Many of the controls may be common sense practices that you have followed for years.

Having identified the hazards and the points at which they are present you must decide whether they must be controlled to ensure that the food you sell is safe or whether the hazard will be controlled by a later step in the process.

Examples of typical hazards in a food operation are:-

- Growth of bacteria and the production of toxins
- Bacterial contamination of ready to eat foods by raw foods or by food handlers
- Contamination of foods with foreign bodies e.g. pieces of packaging, drawing pins, paper clips, hair, etc.
- Food poisoning bacteria surviving cooking or re-heating

You must decide what you need to do to control the hazards at the critical points and what you need to do to monitor the control measures to ensure that they are working correctly.

Worked example

Step	Hazard	Control	Monitoring
Storage of salad	Growth of bacteria	Keep refrigerated below 5°C	Take fridge temperature before start trading and half way through. If temperature is over 8°C adjust fridge setting and repeat check after 30 minutes. If still too high dispose of stock and contact engineer.

Finally you need to review your hazard analysis on a regular basis to make sure that you have identified all of the hazards, that your controls are effective and your monitoring is capable of making sure that your controls are still working.

Your hazard analysis should be recorded in writing and submitted as part of your consent application.

Training

Everyone engaged in the handling of food must be suitably trained so that they know how to deal with food safely. For persons handling open high risk food (e.g. food which will support the growth of food poisoning bacteria) the minimum level of training that will be acceptable under the street consent scheme, will be successful completion of a 'Level 1' food hygiene course, including the exam, within the last 5 years.

Suitable food hygiene courses are accredited and run by several organisations. These include:

- The Chartered Institute of Environmental Health
- The Royal Institute of Public Health and Hygiene
- The Royal Society of Health
- The Royal Environmental Health Institute of Scotland
- The Society of Food Hygiene Technology

Evidence of suitable training should be submitted with your application form.

Water Supply

An adequate supply is essential to food safety whether the water is to be used for the preparation of food and drinks or for washing and cleaning purposes. In most instances the vehicle will not be connected to a mains water supply. You must ensure that plenty of clean and wholesome water is always available at your food staff or vehicle. You must be able to demonstrate that the water containers are adequate in size and number for the activities carried out and that they are cleaned both inside and out on a regular basis. A chlorine based sterilant, should be used. The containers must be able to demonstrate that they can carry, or have access to, sufficient water to enable them to carry out all of their functions during the hours they are open and trading.

Hand Washing Facilities

All food businesses handling open food will need to provide adequate hand washing facilities so that food handlers can ensure that their hands are free from contamination. The wash hand basin should only be used for washing hands and should always be provided with:-

- adequate supplies of hot and cold water via taps over the basin.
- soap, preferably liquid soap from a fixed dispenser. Soaps should not be strongly perfumed to avoid tainting the food. For additional protection a bactericidal soap is recommended.
- an effective and hygiene way of hand drying. Disposable paper towels are the preferred option. Individual cotton towers are not acceptable. If they become contaminated then they will re-contaminate the hands of anyone who uses them subsequently.
- a sign stating that the basin is ONLY to be used for hand washing.

Just providing a plastic bowl or bowls for hand washing will not be sufficient to meet this requirement under the scheme. A wash hand basin IS required.

Sinks and Washing Facilities

You must have adequate facilities for washing up and cleaning utensils and equipment. This means that you will need a proper sink which is big enough to accommodate the largest item that you will wash during your catering activity and sufficient hot water. Washing up bowls alone are not sufficient. Draining board facilities should be provided where necessary but

these should not be made of bare wood. If you intend to wash up at another location you will need to demonstrate that suitable and sufficient facilities are available there.

If you intend to wash and prepare food on the stall or vehicle then separate food preparation sinks will be needed in addition to washing up sinks. If this is not practicable large clean plastic bowls may be used for vegetable washing only. These must be kept clean.

You must always have plenty of clean hot water available for washing up and cleaning surfaces. Sufficiently large hot water heaters or boilers must be provided for this purpose and sited so that they are level and stable. Hot water should be available prior to the commencement of trading.

Food Storage and Refrigeration

Poor temperature control and cross contamination of bacteria from raw to ready to eat foods are the most common causes of food poisoning. To comply with the temperature control regulations you must have enough refrigeration to ensure that all high risk foods are stored at temperatures below 8°C (preferably below 5°C). All stalls must therefore have a refrigerator. You must not use freezer units as refrigerators by turning them on and off. If you require a freezer on your stall or vehicle it should be capable of keeping food below -12°C.

Ensuring correct food temperatures at the critical steps in the operation are vital controls. Food temperatures, both during storage and cooking/reheating must therefore be monitored regularly using an accurate and reliable thermometer. The legal requirements relate to the food temperature and you must therefore have a probe thermometer so that you can monitor this as necessary. A record of the temperatures you monitor should be kept in a log book so that you can demonstrate that you have the correct controls in place and that they are working as required. A record also enables you to spot problems before they become serious so that you can take action to ensure food safety and prevent stock loss. If food is stored in fridges or freezers at your home or other address these must also comply with the above requirements. These refrigerators and freezers may also be inspected at any time (even at domestic premises).

Protection from Contamination

All open foods in storage or on display must be kept covered or protected with screens to minimise the contamination risks. Food awaiting cooking must also be covered wherever possible to discourage flies and wasps which would contaminate the food or carry contamination onto your ready to eat products. Raw and cooked food must be kept apart at all times and separate utensils such as chopping boards, knives, etc. used for each.

Food handlers must wear appropriate clean overclothing including a hat or hair covering to prevent food being contaminated. Protective clothing should cover the arms and body. All external clothing should be covered. In cold weather, outdoor wear should not be worn over clean protective clothing. T-shirts, uniforms etc. used solely for the food business are acceptable.

Staff who handle or prepare open high risk food should not travel to work in their protective clothing. They should remove their protective clothing if they leave the vehicle.

Design and Construction

The stall or vehicle must be large enough for the type of operation carried on. There should be sufficient working surfaces for the separate preparation of raw and cooked products so that cross contamination cannot occur. It should also be of sufficient size to enable the number of employees intended to operate the stall to move around without any health and safety hazards.

The vehicle or stall should be designed to avoid the risk of harbouring pests.

All internal surfaces must be in a sound condition and be easy to clean and disinfect. Stainless steel or plastic laminate cladding for walls and cupboards would be acceptable. It is recommended that all work surfaces be of stainless steel.

Cleaning

It is a legal requirement that food premises are kept clean. Stalls and vehicles used for street trading tend to have very limited space. Effective and regular cleaning is therefore an even more important control to prevent contamination than in a normal kitchen.

For cleaning to be efficient it must be managed, checked where necessary and done to a set routine. The following points may help in setting up an effective cleaning system.

Select appropriate chemicals and cleaning techniques for the tasks required.

'Clean as you go' is the best policy. It prevents dirt and debris from building up which make cleaning easier and it helps to ensure that when you want to use a utensil or piece of equipment or work surface then it is ready to use. If staff are employed they should also 'clean as they go' particularly after using utensils, work tops, chopping boards, etc. and especially before handling ready to eat products after raw.

You should:-

Set aside times in the day when cleaning can be performed and decide how much time should be devoted to cleaning.

Separate the cleaning tasks into daily, weekly and less frequent.

Daily tasks should include all working surfaces, floors, sinks, wash basins, draining boards, handles and items of equipment used during the day.

Weekly tasks might include walls, doors, windows, ovens, refrigerators, storage units etc.

Less frequent tasks – clean items or areas not covered by the daily or weekly cleaning such as ceilings, ventilation units, upper wall surfaces etc. In addition, although floors and items of cooking equipment receive daily cleaning, they occasionally need an extra in-depth clean and this should be incorporated into your cleaning routine.

Depending on the number of staff working in your business and the level of supervision it may be appropriate to produce a written cleaning schedule. This should allocate responsibilities and bear in mind how much time each person can devote to cleaning and when it will be done. Each individual should be given specific daily and weekly tasks based on the following principles.

Prepare a chart or rota, detailing each individual's cleaning duties, the time to be spent on them and when to do them. This needs to be linked to what cleaning product and cleaning method is to be used.

Ensure that staff know what their duties are and the standards expected.

Supervision is essential to keep up standards. If staff are aware that regular hygiene checks will be made then they are more likely to do the job properly.

If an area is found to be dirty then an effective rota will show when it should have been cleaned and who was given that task.

Cleaning should be a habit. A set routine will make this easier.

Personal Hygiene

It is good practice for the proprietor to instruct all staff on appointment that they have a legal duty to notify their manager or supervisor, as soon as possible, if they ever suffer from, or are likely to have become a carrier of a disease which might be transmitted through food.

In addition staff should be made aware of the staff sickness policy with regard to medical conditions which are likely to affect food safety. It is recommended that new staff are given this information in writing.

Each staff holder will be expected to provide a written statement setting out their sickness policy for the exclusion of a food handler suffering from diarrhoea, sickness, sore throat, infected wounds, etc. and when they will be allowed to return to work.

Sanitary Accommodation

Suitable and sufficient sanitary accommodation must be available for use by the food handlers. This may be:-

- i) provided on the vehicle, in which case it must be completely separated from and must not open directly on to the food preparation or storage areas.

- ii) provided adjacent to the vehicle e.g. a purpose designed unit or trailer
- iii) suitable facilities nearby may be accepted. If you intend to use such sanitary accommodation, e.g. in a public house or restaurant, the sanitary accommodation must be available for use when the stall is trading, although the stall holder may continue to trade for up to one hour after the availability of the sanitary accommodation has ceased. Written permission to use such sanitary accommodation must be provided.

Whichever arrangements are made the sanitary accommodation must be kept in a clean and satisfactory condition and maintained in working order and be available for use at all appropriate times when that stall is in use. Where the accommodation is provided by the proprietor access may be restricted for the sole use of the proprietor or employees of the food business.

Waste Disposal

The consent holder must comply with the Environmental Protection Act 1990 (as amended) and dispose of waste lawfully.

You must have adequate arrangements and facilities for the hygienic storage and disposal of solid and liquid waste. This is a very important legal requirement because you are unlikely to have the same access to the kind of waste collection and disposal facilities which conventional premises take for granted.

As part of your application you must be able to demonstrate that you have made suitable arrangements for the disposal of solid and liquid waste, including fats and oils.

This will normally be in the form of a “waste transfer note” from a registered waste disposal company.

Records showing the date and place of disposal must be kept for a minimum of 2 years and produced on demand to an authorised officer of the Council. (Environmental Protection Act, Section 34).

Refuse

No waste material must be deposited on the public highway or any adjacent property. All waste material must be subject to proper commercial waste disposal controls and therefore waste arising from the business must not be disposed of in public litter bins or the domestic waste collection, or deposited at an amenities site.

In addition to the waste bin provided for use by the food handler you must provide at least one refuse container placed on the pavement near to the stall or vehicle so that it is available for the use of customers. A clearly visible notice shall also be displayed requesting customers to deposit litter in a waste container.

The consent holder must ensure that the area in the vicinity of the vehicle or stall is kept clear at all times of all refuse originating from the trading activities and from customers. In particular you must leave the site clear of such refuse at the completion of trading.

Drainage

The majority of vehicles and stalls will not be connected to a drain. You, as stall holder, must therefore be able to demonstrate that a waste water point is available or that sufficient capacity is available to contain and store all waste water generated during the catering activities. Under no circumstances must containers used to transport and/or store drinking water also be used to store waste water.

Trading Standards

All licensed traders operating a food business must clearly display the prices of the food they are selling.