

ISLE OF ANGLESEY COUNTY COUNCIL	
Report to:	FULL COUNCIL
Date:	26 February 2015
Subject:	To report on the Review of the Authority's Street Trading Policy
Portfolio Holder(s):	Licensing section of the Trading Standards, Public Protection Department
Head of Service:	Jim Woodcock
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Local Members:	Portfolio Member John Arwel Robert

A –Recommendation/s and reason/s
To endorse report and adopt amended Policy – following Review of the Authority's Street Trading Policy

B – What other options did you consider and why did you reject them and/or opt for this option?
The current policy was outdated and restrictive and given that the Authority had adopted the Legislation in 1982 the best option was to review, revise and modernise the current Policy

C – Why is this a decision for the Executive?
A matters relating to Street Trading fall under the auspices of the Full Council

CH – Is this decision consistent with policy approved by the full Council?
Yes - all activities relating to Street Trading under the Local Government (Miscellaneous Provisions) Act 1982 including adoption of the legislation under section 3 and designation of streets under para 2 of Schedule 4, are Council, as opposed to Executive functions – by virtue of regulation 3 and para 17 of Part B of Schedule 1 to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007/399

D – Is this decision within the budget approved by the Council?	
There is no additional cost to the Authority and the Policy could provide for an increase in income	

DD – Who did you consult?		What did they say?
1	Chief Executive / Strategic Leadership Team (SLT) (mandatory)	No comment
2	Finance / Section 151 (mandatory)	No comment
3	Legal / Monitoring Officer (mandatory)	Policy approved
4	Human Resources (HR)	
5	Property	Agreed to evaluate applications on their own merit
6	Information Communication Technology (ICT)	
7	Scrutiny	
8	Local Members	No observations received
9	Any external bodies / other/s	Highways – Agreed to evaluate each application on its own merit UK Highways Agency - Agreed definition of areas where no street trading can take place Police – No comment

E – Risks and any mitigation (if relevant)		
1	Economic	The Vision is to create a street trading experience that is diverse and vibrant, adds value to the economic, social and cultural fabric of Anglesey, protects and enhances the environment, and promotes local produce, goods and articles of the Island
2	Anti-poverty	To provide opportunities for local entrepreneurs to establish a small business
3	Crime and Disorder	The new Policy has enhanced the control on street trading and other items that may be sold or offered for sale within the Island
4	Environmental	Local Environment protected by Conditions

5	Equalities	
6	Outcome Agreements	
7	Other	Assist Trading Standards and Highways regarding the sale of vehicles on the road side

F - Appendices:
Appendix A - The revised Policy containing the principles, rules and guidance, method of application, definition of where trading will or will not be possible, tables of fees and charges
Appendix B - Current Policy

FF - Background papers (please contact the author of the Report for any further information):
Local Government (Miscellaneous Provisions) Act 1982 Highways Act 1980 Criminal Justice Act 1982 Pedlars Act 1871 & 1881 European Union Services Directive 2006/123/EC Sale of Goods Act 1979 Sale and Supply of Goods Act 1994 Sale and Supply of Goods to Consumer Regulations 2002 Department for Business, Innovation and Skills Review 2014/15 Immigration, Asylum & Nationality Act 2006 Licensing Act 2003

APPENDIX A The Isle of Anglesey County Council

Street Trading Policy



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ISLE OF ANGLESEY
COUNTY COUNCIL

The Vision

1. Introduction
2. Principles of Street Trading
3. Submission of Application
4. Site Assessment
5. Inspection of Street Trading unit
6. Determination of the Application
7. Objection to the Application
8. Approval of Application
9. Issue/Review of Street Trading Consents
10. Refusal of Applications and Appeals
11. General Information regarding Street Trading
12. Access by Authority and Police Officers
13. Enforcement of Street Trading

Appendices

- A. Prohibited Streets and areas
- B. Register of Consultees
- C. Fee Structure
- D. Street Trading Conditions

The Isle of Anglesey County Council Street Trading Policy

The Vision

To create a street trading experience that is diverse and vibrant, adds value to the economic, social and cultural fabric of Anglesey, protects and enhances our environment, and promotes the local produce, goods and articles of the Island.

The Policy

1. Introduction

This Policy has been adopted to control street trading and sets out The Isle of Anglesey's [Authority's] standards for determining applications for, and enforcement of, street trading activities on Anglesey.

The Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to control street trading for the whole of its area. The Authority has designated all streets on Anglesey as "Consent Streets" for street trading purposes. The effect of this designation is that street trading in any consent street within The Isle of Anglesey is prohibited, subject to the legal exemptions, without first obtaining consent to trade from the Authority.

For mainly safety reasons some areas will be defined as "prohibited streets" where no trading will be allowed, the A55 Trunk Road as an example. A full list can be found in **Appendix A** of the Policy.

The Authority will apply this Policy to street trading activities in its area to ensure consistency of decision-making. However each application or contravention will be considered on its own merits so that individual circumstances, where appropriate, are taken into consideration.

1.1 Objectives

The Authority will carry out its functions in respect of controlling street trading activities in its area, to protect the public, by promoting the following Aims (each of which is of equal importance):

- Promoting and encouraging a positive street experience for both traders and public;
- Promoting that traders operate within the law and act fairly in their dealings with the public;
- Promoting the image of the Island;
- Promoting, Protecting and improving standards of food safety, health and safety, environmental management;
- Preventing and detecting statutory nuisances, unsafe practices and anti-social behaviour,
- Promoting Public order, Preventing public nuisance, Protecting Public safety and
- Preventing Crime and Disorder
- Promote a safe, fair and equitable trading environment exists for consumers and commerce alike

1.2 Street Trading Definition

Street trading is defined as the selling, exposing or offering articles for sale in a street. Conversely the definition of a "street" is very wide and includes any road, footway, beach or other area to which the public have access without paying and service areas as defined under Section 329 of the Highways Act 1980.

When applying to Trade from private land the applicant will require written permission from the owner, who may need planning consent, before any application can be considered and from the Property

Section if the land is owned by the Authority. The Policy will also cover traders who move from street to street and often referred to as Mobile Traders.

1.3 Exemptions from consent

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

Anything done in a market or fair operated or endorsed by the Authority

Trade by a person acting as a Pedlar under the Authority of a pedlar's certificate granted, under the Pedlars Act 1871, by the Police

Trade by a newsvendor, selling newspapers and periodicals in certain circumstances.

Trade carried on at premises used as petrol filling station or carried on at a premises used as a shop or in a street adjoining the premises so used and as part of the business or shop

Trade carried out as a "roundsman": for example a milkman who would be defined as a tradesman with specified customers, a specified route and delivering to order.

Ice cream vans will not fall into this category and will be expected to gain consent.

2 Principles of Street Trading

In line with the Aims highlighted above the Authority is committed to administrating the street trading function in accordance with the following key principles:

- (a) The Authority will consider each application on its own merits
- (b) The Authority will encourage local traders selling local produce or products
- (c) The Authority will encourage traders offering healthy food options in order to support customers in making healthy food choices
- (d) The Authority will not permit street trading in the vicinity of schools during school hours
- (e) The Authority will support street trading which enhances the vitality and vibrancy of a location
- (f) The Authority will not permit street trading which might compromise public safety on the highway
- (g) The Authority will not permit street trading where there is loss of amenity caused by noise, obstruction, odour, litter or any other public nuisance including adding to any current traffic congestion issues.
- (h) The Authority will regulate street trading to ensure equity and fairness for existing business proprietors and to prevent direct competition to existing produce or products in a location
- (i) The Authority will work in partnership with the Police and other organisations to ensure that street trading does not encourage or facilitate unlawful activity
- (j) The Authority will not discriminate against any applicant on the grounds of race, gender, sexuality or disability
- (k) The Authority will set a fee for the issue of a street trading consents in order to cover the cost of providing the regulatory system
- (l) The Authority will expected all applicants to conform with the necessary legal obligations and current legislation such as; planning permissions, late night refreshments licences, Licensing Act 2003 and food premises registration.
- (m) The Authority will normally only allow one trader to hold consent in a specific location, unless the second applicant wishes to trade in a different commodity or when a special

event is arranged and possibly when a “mobile trader” is stationary for less than 15 minutes and does not return to the area for at least a two hour minimum.

(n) The Authority will not grant a street licence/consent to a person under the age of 17 years.

3 Submission of the Application

All applicants must complete the Authority’s Street Trading Consent Application and in addition provide the following:

3.1 A basic CRB/DBS disclosure certificate, not less than six months old for all employees. Any convictions or proven criminal behaviour will be assessed against the Street Trading convictions policy.

3.2 An initial application fee, Schedule listed in Appendix C. Upon grant of the consent, before it is issued, the balance of the fee must be paid, or a direct debit agreement to pay by quarterly instalment entered into.

3.3 Where the proposed street trading activity is from a fixed position, a site plan (to scale) showing the precise trading position and its proximity to other similar retail outlets within a 100 metre radius.

3.4. One colour photograph of any stall, van, barrow, cart etc that will be used for the street trading activity.

3.5. One colour passport size photograph of the applicant or the expected unit operator.

3.6. An original certificate of insurance that covers the street trading activity for third party and public liability risks up to a maximum of £5,000,000.

3.7. Written permission from a landowner if the street trading activity is to be carried out on land in private ownership. If the land is in the ownership of the Authority written permission from the Property Services Division and Highways.

3.8. Any permissions or consents already granted with regard to the proposed operation, e.g. planning consent, late night refreshment premises licence, and/or waste disposal agreement.

3.9 A full and comprehensive list of goods to be sold or traded

An applicant for the grant, variation or renewal of a Street Trading Consent should apply, either online to: www.licensing@anglesey.gov.uk, or direct to:

The Licensing Section, Public Protection Department, The Isle of Anglesey County Council Offices, Llangefni, Anglesey LL77 7TW licensing@anglesey.gov.uk telephone 01248 752840

An application for Street Trading Consent is not one that can be given tacit approval, as it is in the public interest that this authority must process an application before it can be granted. We aim to process applications within 28 days.

If you have not heard from us by that time please contact the Authority.

A Street Trading Consent is not transferable. Any proposed change to the type of vehicle or stall to be used, the goods to be sold, the times and days of operation, or the exact location of the trading site, requires an application for variation of the street consent.

Before Street Trading Consent is granted or renewed the Authority will carry out a consultation process with the appropriate and relevant authorities/interested parties listed in **Appendix B**
Renewals will normally be processed without consultation unless there is a change of circumstance, or issues that have given rise to concern during the term of the consent.

4 Site Assessment

Street Trading Consents from static locations will not normally be granted where any of the following may apply:

- 4.1. A significant affect on road safety would arise either from the siting of the trading activity, or from customers visiting or leaving the site,
- 4.2 There are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited,
- 4.3 There would be any likelihood of nuisance from noise, light, smells, litter or fumes to households and businesses in the vicinity of the proposed street trading site,
- 4.4 There is a conflict with Traffic Orders such as waiting restrictions,
- 4.5 The site or pitch obstructs either pedestrian or vehicular access, traffic flows, places pedestrians in danger when in use for street trading purposes,
- 4.6 The trading unit obstructs the safe passage of users of the footway or carriageway,
- 4.7 The pitch interferes with sight lines for any road users such as at road junctions, or pedestrian crossing facilities,
- 4.8 The site does not allow the Consent Holder, staff and customers to park in a safe manner,
- 4.9 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.

5 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 Consent and shall comply with all relevant legislation.

6 Determination of the Application

The Licensing Committee and Officers on a delegated basis will determine each application on its merits but, in particular, will have regard to the following

6.1 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 2 under the Principles of street trading.

6.2 Public Order and Anti Social Behaviour

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

6.3 Prevention of Nuisance

The street trading activity shall not present any likelihood of nuisance from noise, light, smells, litter or fumes to households and businesses in the vicinity of the proposed street trading site. Observations from the Authority Officers shall be taken into consideration under this heading.

6.4 Needs of the Area

The street trading activity shall not be in direct competition, in terms of goods primarily sold, with nearby retail shops, restaurants, hot food takeaways, other street traders or market places and shall not be located within 100 metres of such premises. This may be relaxed for one-off or short-term applications.

The number of traders in any one street will be limited; to avoid undue concentration of outlets and to ensure that excessive trading does not compromise the amenities of the area.

Consents will only be granted if authorities or permissions required by any other legislation are already in place for the operation. This includes planning consent, late night refreshment premises licence, food premises registration, waste disposal agreement. Applicants should enquire with the appropriate authority before submitting a street trading application.

6.5 Consultees Observations

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

6.6 Permitted Trading Hours

The Authority generally will normally only permit street trading between 6.00 am and 11.00 pm on any one day and between 8.00am and 10.00pm in residential areas. Street Trading outside these hours will be assessed in terms of the public order, public safety, crime and disorder and prevention avoidance of nuisance and the needs of the area criteria detailed above.

If trading includes the supply of hot food or drink after 11pm a late night refreshment premises licence will also be required. The Authority retains the right to specify permitted hours of trading that are less than those specified above, if local circumstances require it.

7 Objections to the application

The Head of Public Protection or officers on a delegated basis may approve applications meeting the criteria contained within this Policy only after giving full consideration to the observations of the Responsible Authorities listed below:

- The Highways Authority
- Property Services,
- Trading Standards,
- Environmental Health,
- Planning Services, I
- Economic Development,
- North Wales Police
- North Wales Fire and Rescue Service
- The land owner of the proposed street trading site
- The Isle of Anglesey Elected Members of the relevant Ward
- Occupiers of property within 100 metres of the proposed site.

8 Approval of Applications

The Head of Public Protection or officers on a delegated basis may approve applications meeting the criteria contained within this Policy

On approving the application the Authority will issue a Street Trading Consent, to which conditions will be attached, including specific terms such as days and hours when street trading is permitted, and goods that may be sold. The consent will also be subject to the Authority's standard conditions, which are attached to all Street Trading Consents.

The conditions attached to the Consent form part of the approval to carry out street trading and **MUST** be complied with at all times. Failure to do so could constitute an offence, and/or the Consent could be revoked or not renewed.

9 Issue and Revocation of Street Trading Consents

Street Trading Consents will be issued for a maximum period of 12 months and will be renewable on the date specified in the Consent. Shorter term Consents may also be issued.

These particular Consents will expire, unless renewed, on the date specified in the Consent.

In all cases when 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 this Policy.

If a bank dishonours a cheque, or any direct debit is unpaid, 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.

The Council may revoke the consent where:

the consent holder is breaching the policy objectives

Or

The consent holder is convicted of an offence or is considered unsuitable for any other reason.

The Licensing Committee will consider representations and if upheld may add conditions, suspend or revoke the consent.

10 Refusal of Applications and Appeals

Where the Head of Public Protection is considering refusing an application the applicant will be informed in writing of the reasons and may lodge further information or detail to further support the Application.

1. The Authority will Consider each case on its merits.
2. Using this Policy to assess applications where it is felt appropriate.
3. Dealing with the material in a balanced and impartial manner.
4. Ensuring that the rules of natural justice are applied..
5. Giving all parties sufficient opportunity to present their case, ask questions and present information for consideration in support of their application or objection.

The Legislation does not provide for a statutory right of appeal to the Magistrates Court in respect of any decision made in relation to a street trading consent. An aggrieved applicant could consider a Judicial Review regarding the procedural process and requirements for a fair decision and the need for clear rationality in the way the Authority reasoned and reached their decision.

11 General Information on Street Trading Consents

11.1 Surrender or Revocation of Consent

The holder may surrender their Consent at any time, or the Authority may revoke it at any time. In the event of revocation, the Authority shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

The holder must return the Street Trading Consent to the Authority immediately on its surrender or revocation.

11.2 Reimbursement of Fees

Fees will be reimbursed to Consent Holders where they cease to trade and surrender their Consent to the Authority. Any fee reimbursement will be based strictly from the date the Consent is surrendered to the Authority, not including the non-refundable application fee, and calculated on the number of complete trading days remaining.

12 Access by Authority and Police Officers

Consent Holders should allow access, to the street trading unit, to Authorised Officers of the Authority and Police Officers at all reasonable times. Authority officers will carry with them and produce on request official identification.

13 Enforcement of Street Trading

The Authority 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 Public Protection Enforcement Policy, copies of which are available on the Authority's website.

Street trading consent does not:

- Permit trading outside the terms of the Consent.
- Override parking restrictions or any other traffic regulations

Applicants will be expected to ensure they have the necessary consent and:

- Indicate that planning permission is not required.
- Indicate that the unit is exempt from business rates
- Indicate approval from the highway authority or any other person or authority.

Complaints against the Service

The Authority has an agreed procedure for dealing with complaints about the services it delivers. If you wish to complain about the delivery of Street Trading Services you should in the first instance contact the

Head of Public Protection, the Isle of Anglesey County Council, Council Offices, Llangefni Anglesey, LL77 7TW Telephone 01248 752840

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

In accordance with Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982, the Authority, prior to publishing this Policy, consulted fully with those bodies, businesses and groups specified herein.

The Authority will review the Policy whenever it is considered that relevant issues have arisen.

Appendix A

The following "streets" are to be considered as "Prohibited areas/streets" where no trading will be allowed under any circumstances as decreed by the North & Mid Wales Trunk Road Agency in conjunction with the Welsh Government:

The A55 DBFO Project Road in essence from Holyhead Port to Junction 11, Llandygai

This also includes the A5 over Menai Bridge to the Britannia Roundabout, Menai Bridge and on past the Lookout Lay-Bys to Junction 8A at Llanfairpwll.

Appendix B

Consultation List

- The Highways Authority
- Property Services,
- Trading Standards,
- Public Services,

CC-016749-LB/229501

- Environmental Health,
- Planning Services,
- Economic Development,
- North Wales Police
- North Wales Fire and Rescue Service
- The Isle of Anglesey County Council Elected Members
- When identified the land owner of the proposed street trading sites
Plus Current Licence holders

Details of the Street Trading Policy will also be advertised in the local Press

Appendix C

	Day	Week	Month	Seasonal 3 & 6 months	Annual
Retail & Catering	£50.00	£150.00	£225.00	£650.00 & £1,200.00	£1,800.00
Mobile Units					£1,000.00
Promotional	£30.00	£75	£150.00	N/A	N/A

It may be possible to pay annual fees through Direct Debit mandate. There is a non-refundable portion of the fee of £100 which applies to all application other than small scale sales and individuals applying for a Promotional stall

Appendix D

Street Trading General Conditions

The Consent Holder and any employee shall:

- display the Consent Notice issued by the Authority on the unit/vehicle in such a position that it is clearly visible.
- notify the Licensing Manager immediately of any convictions or proceedings arising out of the use or enjoyment of the Consent, or from any other offence committed.
- observe and comply with any directions in relation to the use of the street or public place by an authorised officer of the Authority.
- indemnify the Authority in respect of all claims, actions, demands or costs arising from this Consent, as nothing contained in these conditions shall relieve the Consent Holder or his employees or agents from any legal duty or liability.
- at all times maintain a valid Third Party Public Liability Insurance Policy to the satisfaction of the Authority and produce a valid certificate of such insurance at any time upon request by an authorised officer of the Council.
- provide satisfactory written evidence to the Authority that permission of the landowner or

lessee has been obtained to carry out the street trading activity.

- Provide proof of any permissions or consents required for the street trading activity e.g. planning consent, late night refreshment premises licence, waste disposal agreement. The Consent Holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but may surrender it to the Council at any time.

The Council may vary the Conditions attached to the Consent at any time.

Site Conditions

The Consent Holder when operating on a static site, shall:

- Ensure that any advertising boards or notices are only placed in the immediate area of the street trading site and do not exceed 750mm x 450mm with at least 2m clear footway passage maintained or interfere with sight lines or obstruct vehicular access or egress.
- keep the trading position and the immediate adjacent area in a clean and tidy condition during the permitted hours and also leave that area in a clean and tidy condition and unobstructed at the end of each daily period of use under the terms of this Consent.
- provide and maintain at their own expense, adequate refuse receptacles for litter and ensure that they do not become overfilled.
- remove litter and trade waste arising from the activities from the site and within 100 metres of the trading unit on a daily basis and dispose of it by means of a waste disposal agreement.
- make such provision as necessary to prevent the deposit in any street or public place of solid or liquid refuse.

The Consent Holder when operating on a static site, shall not:

- discharge any water or effluent from the street trading activity to street surface drainage or other watercourse.
- provide music, speech, chimes or any other broadcasts from the consent site, which is audible beyond 5 metres from the site.
- place any advertising boards or notices on any street lighting column.
- make any excavations or alterations, or place or fix equipment of any description in the surface of the street, or land in the ownership of the Authority adjoining a street.
- place on the street or in a public place, any furniture or equipment other than permitted by the Consent, and any items so placed, must be maintained in a clean and tidy condition and not placed so as to obstruct the entrance or exit from any premises.
- permit noise from equipment used in connection with consented street trading activity to be audible inside any nearby residences.

Offences

It is an offence under Section 10 of the LG(MP)A 1982 to trade without a licence or to contravene the terms of such a Licence punishable by a fine not exceeding £1000.

Trading Conditions

The Consent Holder shall:

- generally remove from the site, at the cessation of trading each day, any static street trading units, vehicles or other equipment associated with the street trading activity.
- pay all street trading fees when due

The Consent Holder shall not:

- carry out street trading activities other than those permitted by the Consent.
- trade outside the time and days permitted by the Consent.
- trade in such a way that is likely to cause undue obstruction to any part of any street or public place; cause any injury to any person using the street or public place; cause damage to any

property in the street or public place or cause a nuisance or annoyance to persons using the street or public place, or occupiers of premises in the vicinity activity to be audible inside nearby residences.

- permit any person to operate within the terms of the Consent, unless in the employ of the consent holder and acting under their instruction or supervision.

Mobile Trading

Consent is granted on the basis that a mobile trader must not trade from a site for more than 60 minutes and not return to the same site within 2 hours.

Mobile Units selling ice cream etc may sound chimes in accordance with Code of Practice on Noise from Ice Cream Van Chimes etc. 1982, but not before 12.00 noon and after 7.00pm, on any day and not when the vehicle is stationary.

Mobile Units shall not:

- be permitted to trade within 500 metres of the boundary of any secondary school.
- cause nuisance from noise, light, smells, litter or fumes to households and businesses whilst stationary.
- provide music or any other broadcasts whilst stationary, which is audible beyond 5 metres from the site.
- operate loudspeakers in a street between 9.00pm and 8.00am, and at any other time for advertising any entertainment, trade or business.

Legal Provisions

Nothing contained in these conditions shall relieve or excuse the Consent Holder or their employees or agents from any legal duty or liability and at all times the Consent Holder shall comply with the relevant legislation in force.

Static Street Trader Means trader granted permission by The Authority to trade from a specified position.

Mobile Trader Means a trader who moves from street to street

Authorised Officer means an officer employed by the Authority and authorised by the Authority to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

Relevant Authority means those bodies or persons specified in Appendix B of this policy.

Selling Vehicles within a consent area – A person who does not have written consent from the Authority who sells, or offers or exposes goods for sale in a “consent” street commits an offence under the terms of the Local Government (Miscellaneous Provisions) Act 1982.

In addition offences may also be committed under the Highways Act 1980 and the Clean Neighbourhoods and Environment Act 2005. Offering a vehicle for sale without indicating it is being sold in the course of a business can breach Consumer Protection from Unfair Trading Regulations 2008.

APPENDIX B

ISLE OF ANGLESEY COUNTY COUNCIL (The “Council”)

PLANNING & PUBLIC PROTECTION

STREET TRADING CONSENTS

General Conditions

1. An application for a street trading consent in respect of a particular vehicle (“the vehicle”) on the form provided by the Council, complete and correct in all particulars, shall be submitted to the Council.

No person under 17 years of age is eligible to apply.

2. The street trading consent granted (“Trading Consent”) shall be personal to the applicant alone, (the “Consent Holder”) and shall not be capable of being sold to or used by another.
3. Trading Consents will be valid for a period of twelve months from the date of issue.
4. The Consent Holder shall ensure that:
 - 4.1 no trading takes place at the Trading Position (as the same is defined in the application form) outside the hours of 8.00a.m. to sunset (“the Trading Hours”);
 - 4.2 the vehicle is not parked at the said Trading Position outside the Trading Hours;
 - 4.3 no person under the age of seventeen is employed to carry on, or in connection with, the business of street trading from the said Trading Position.
 - 4.4 only food or drink is to be sold from the said Trading Position;
 - 4.5 the tariff of charges applied by the Consent Holder at the Trading Position does not at any time exceed those proposed charges submitted to the Council with this application form unless and until such price increases shall have been submitted to and approved by the council;
 - 4.6 the tariff of charges shall be clearly displayed on the Vehicle at all times that the Vehicle is open to trade;
 - 4.7 a rubbish receptacle of minimum dimensions of three cubic feet is provided within two yards of the said Trading Position;

- 4.8 all litter within a fifteen feet radius of the Trading Position is collected twice daily and put into plastic refuse sacks provided by the Consent Holder; the first litter collection is made before 14:00 hours and the second immediately after close of business each trading day; all rubbish collected including the contents of the rubbish receptacle shall be legally stored and disposed of at the Consent Holders' expense under the 'Duty of Care' provisions of the Environmental Protection Act 1990.
 - 4.9 no radio, cassette, record player or other sound equipment is played from the Vehicle or on or near the said Trading Position;
 - 4.10 the vehicle is comprehensively insured at all times;
 - 4.11 no advertising hoarding bill or sign is displayed anywhere on the public highway, advertising the services provided on the said trading position.
5. If there is any breach of any of the above conditions and the Consent Holder fails to remedy the same within fifteen days of being given the notice of the breach by the Council, the Council may terminate the Trading Consent forthwith without any liability to refund to the Consent Holder any part of the fee paid by the Consent Holder.

An annual fee as determined by the Council from time to time will be charged for each Trading Consent.

The fee for this year is £1706, which is payable in full on receipt of the Council invoice.

Trading Consents will be allocated at the Council's sole discretion.

Completed forms must be returned to the Chief Environmental Health Officer by noon on Friday 8th March 2014.

A.W.Owen
Corporate Director (Environment & Technical Services)

February 2014