

# Cambridge City Council

## Street Trading Policy

Draft

July 2012

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## **1. Introduction**

- 1.1 This policy sets out how Cambridge City Council proposes to manage Street Trading in Cambridge. The purpose of this Street Trading Policy is to create a trading environment in which street trading complements the surrounding environment and retail offer, is sensitive to the needs of all users of the city centre and provides diversity in terms of consumer choice. The policy seeks to encourage investment from street traders and to create an environment where high quality street trading activity is achieved. Where possible and within the constraints of this policy, the Council will support new street trading opportunities.
- 1.2 This document will guide the City Council when it considers applications for Street Trading Consents. It will inform applicants of the criteria against which applications will be considered.
- 1.3 It is the intention that this policy will be reviewed every 5 years or more frequently should legislative changes deem this necessary.

## **2. Consultation**

- 2.1 In determining this policy, the Council will consult the following people and bodies:
  - Cambridgeshire Constabulary
  - Cambridgeshire Fire Service
  - Cambridgeshire County Council Highways
  - CAMBAC (Cambridge Business Against Crime)
  - The Love Cambridge Partnership
  - All current consent holders and applicants who have applied since Dec 2011.
- 2.2 We will also consult various other departments within the Council. These include:
  - Planning
  - Streets and Open Spaces
  - Refuse and Environment
  - Legal Services

## **3. Legislation and current street trading provision**

- 3.1 There are currently 25 approved street trading pitches within the consent zone. One of these pitches is currently non-operational due to congestion in this area. The pitches range from 6 –12 months and from 3-7 days per week. There are currently 3 categories of trade: hot food, cold food and retail.

- 3.2 Control of Street Trading is a regulatory function. The Council has adopted the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and regulates street trading under these provisions.
- 3.3 Schedule 4 of the Act allows the Council to manage street trading by designating streets as ‘consent streets’, ‘licence streets’ or ‘prohibited streets’.
- 3.4 A **Consent street** is a street in which street trading can only take place if the consent of the local authority has first been obtained. **Prohibited Streets** are streets where no street trading may take place at all and a **Licence Street** is a street in which a formal licence is required before any form of street trading can take place.
- 3.5 The Council has designated certain streets in Cambridge as “Consent Streets”. This means that the street traders must have formal consent from the Council in order to trade on those streets.
- 3.6 It is a criminal offence to engage in street trading in a consent street without authorisation.

### **3.7 List of Consent Streets and Prohibited Streets**

- 3.7.1 Consent Streets:** *Bridge Street, Burleigh Street, Emmanuel Street, Fitzroy Street, Garret Hostel Lane, Guildhall Street, Lion Yard, Market Street, Peas Hill, Quayside, Queens Green, Regent Street, St Mary’s Passage, Sidney Street, Silver Street, Trumpington Street, St John’s Street.*
- 3.7.2 N.B:** There is also a street trading pitch located at Parkers Piece. In addition there is a pitch which was moved from Christ’s Pieces to Christ’s Lane. This was done for practical reasons following the development of the Christ’s Lane shopping centre. Christ’s Lane has now been extended to meet with St Andrews Street.
- 3.7.3 Prohibited Streets:** *Adam & Eve Street, All Saint’s Passage, Belmont Place, Benet Street, Blackmoor Head Yard, Botolph Lane, Brandon Place, Burleigh Place, Burrells Walk, Chesterton lane, Chesterton Road, Christchurch Street, City Road, Clarendon Street, Corn Exchange Street, Crispin Place, Dover Street, Drummer Street, Earl Street, East Road, Eden Street, Elm Street, Emmanuel Road, Fair Court, Fair Street, Fen Causeway, Fitzroy Lane, Fitzwilliam Street, Free School Lane, Gifford Place, Gonville Place, Grafton Street, Granta Place, Green Street, Guildhall Place, Hobsons Passage, Hobson Street, James Street, Jesus Lane, Jesus Terrace, John Street, Jordans Yard, Kings lane, Kings Parade, King Street, Magdalene Street, Maids Causeway, Malcolm Street, Manor Street, Market Hill, Market Passage, Melbourne Place, Mill Lane, Napier Street, Nelson Close, Newmarket Road, Newnham Road, Northampton Street,*

*Occupation Road, Orchard Street, Paradise Street, Parker Street, Park Parade, Park Street, Parkside, Park Terrace, Parsons Court, Pembroke Street, Petty Cury, Portugal Place, Portugal St, Post Office Terrace, Prospect Row, Queens Lane, Queens Road, Regent Street, Regent Terrace, Rose Crescent, Round Church Street, St Andrews Street, St Mary's Street St Johns Road, Senate House Hill, Severn St, Short St, Sun Street, Sussex St, St Tibbs Row, Salmon Lane, Tennis Court Road, Tennis Court Terrace, Thompsons Lane, Trinity Lane, Victoria Avenue, Victoria Street, Warkworth Street, Walkworth Terrace, Wellington Passage, Wellington Street, West Road, Wheeler Street, Willow Place, Willow Walk.*

- 3.7.4 The Council will proactively review street trading in the consent streets to identify any new street trading opportunities.
- 3.7.5 There are currently no licence streets within Cambridge.
- 3.7.6 Appendix 1a** - shows a map illustrating the sites where street trading consents have been issued and **Appendix 1b** shows a map highlighting the boundary of the current consent zone. .
- 3.7.7 The Markets and Street Trading Manager as an authorised officer of the Council undertakes consideration of new pitches. When considering new street trading pitches, they will seek the advice of Cambridgeshire Police, CAMBAC, Cambridgeshire Fire and Rescue Service, and the Highways Department of Cambridgeshire County Council. They will also notify neighbouring retail establishments and residents.
- 3.7.8 The Markets and Street Trading Manager may have regard to the following matters in considering whether to create a new pitch for street trading:
- The likely effect on road safety (traffic and pedestrians) which may arise from the siting of the trader or from the movement and activities of customers.
  - Potential for negative impact on the local amenity arising from noise, traffic, litter or odours.
  - Existing traffic orders such as waiting restrictions.
  - Potential obstruction of pedestrian or vehicular access.
  - Potential obstruction to pedestrian traffic routes.
  - The safe access and egress of staff and customers to and from the proposed pitch and the immediate vicinity.

### **3.8 Definition of Street Trading**

- 3.8.1 'Street Trading' is defined as the selling or exposing or offering for sale of any article (including a living thing) in a street – subject to a number of exceptions such as:

- (a) Trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871.
- (b) Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
- (c) Trading as a news vendor.
- (d) Trading at or adjoining a shop premises as part of the business of the shop.
- (e) Offering or selling things as a roundsman

3.8.2 Schedule 4 defines a street as any road, footway, beach or other area to which the public have access without payment; and a service area as defined in section 329 of the Highways Act 1980.

#### **4. The Licensing process and how the Council will make decisions on street trading consents.**

4.1 *Under the Council's Constitution, Licensing Committee exercises the powers in relation to street trading set out in Schedule 4 to the Local Government (Miscellaneous Provisions) Act. This is set out in **Appendix 2.***

4.2 *Proposed change to delegations – for consideration by the Licensing Committee:*

4.3 The Licensing Committee will delegate powers to the Director of Environment relating to the control and operation of Street Trading **except** for the issue of a consent for a period of more than 6 months to a person who is **not** a current consent holder and where there is more than one applicant for the pitch. The Director of Environment delegates this authority to the Head of Tourism and City Centre Management.

4.4 Where exceptions to this delegation apply applications will be referred to the Licensing Sub Committee to make a decision.

#### **5. The application process for Street Trading Consents**

5.1 This policy seeks to encourage investment from street traders and to create an environment where high quality street trading activity is achieved. The Council is committed to the ongoing monitoring of street trading provision in order to ensure that high standards are maintained at all times. There are a number of ways in which the Council will achieve this. These are set out below:

##### **5.2 Criteria for assessment on applications**

5.2.1 When assessing all street trading applications the Council will consider how the application meets the following criteria (NB: These will apply to renewal applications and applications for new or vacant pitches)

## **5.2.2 Design of stall**

5.2.21 Stalls must enhance the visual appearance of the street rather than detract from it and be constructed in a suitable style and of appropriate materials.

5.2.22 Examples of acceptable designs include:

- Modern, simple, functional stalls with umbrellas, canopies or striped awnings.
- Traditional or 'period' type handcarts, barrows or tricycles.

5.2.23 The stall design should be non discriminatory and be appropriate to serve customers.

5.2.24 Advertising material must be limited to the name of the stall, the type of product sold and a simple price list. Ad hoc pictures and advertiser's slogans should be avoided, as should untidy handwritten signs.

## **5.2.3 Dress**

5.2.31 The style of dress worn by stall operators should be chosen to complement the style and period of the stall.

5.2.32 Over clothing must always be smart and clean. Operators of food stalls should ensure that sufficient changes of clothes are provided so as to enable personnel to always over clothing which is clean. Personal cleanliness is also important and persons employed at food stalls are required to have good personal hygiene.

5.2.33 It is recommended that persons intending to apply for a consent pitch should contact the Markets and Street Trading Officer to discuss the nature of their intended trade and the proposed style of stall and dress. No expenditure on stalls or equipment should be made until the Council has granted consent and the stall design has been approved.

5.2.34 The criteria above are intended to guide applicants for street trading consents as to the type of stall and dress, which the Council is looking to promote as a means of regulating the street scene in the historic centre of the city. It is not intended to exclude any design that does not fall within the examples given. Applicants for the prime, central locations are advised that the design of stalls is one of the main criteria that will be taken into account.

## **5.2.4 Environmental Health considerations of the stall design:**

### **5.2.41 For Enclosed Food Mobiles:**

5.2.42 The internal arrangements must be such that:

- There is suitable and sufficient hand washing facilities with hot water;
- The work surfaces are impervious to water and readily cleansable;
- There is sufficient compliant temperature controlled food storage facilities appropriate to the business;
- The gas and electrical installations are certificated and deemed to be safe by a competent and suitably qualified engineer; any gas store cupboard should be outside of the food area;
- The external arrangements must be that the mobile is sufficiently weather and pest proof so as to not risk the contamination of the food.

### **5.2.5 For Market-Stall or Street-Barrow type food mobiles:**

- The stall must be covered to prevent the risk of matter falling on to the food;
- The work surfaces likely to be in contact with the food must be impervious to water and readily cleansable;
- Any intrinsic storage food area must be able to be secured against the intrusion by pests;
- If temperature controlled food is to be stored on the mobile, the storage facility shall be capable of maintaining the food in a legally compliant manner;
- That there are adequate hand washing facilities.

### **5.2.6 Food Hygiene record (for all food stalls) - all food regulations have been adhered to:**

5.2.61 The applicant will need to demonstrate that they have:

- Registered with their home Local Authority;
- That all food handlers have received adequate food safety training appropriate to their job role; ideally, the manager should be trained to CIEH (Chartered Institute of Environmental Health)

Food Hygiene Level 3 and non-managerial staff should be trained to CEIH level 2. (NB: This goes beyond the legal requirements as set out in legislation);

- That the food business has a legally compliant Food Safety Management System (e.g. Safer Food, Better Business);
- That if there is a history of non-compliance, it has been addressed and accepted by the Food Safety Enforcing Officer, or that the food business is in the process of addressing the issues and the Food Safety Officer does not consider the defect too severe so as to prohibit the food business from trading.

### **5.2.7 Types of goods sold**

5.2.71 The goods complement and do not conflict with the goods sold by other retailers within a certain area. This criterion permits the council to undertake a qualitative assessment of the goods to be sold by each competing applicant against those on sale in the adjacent area **(NB. In recognition that the surrounding retail offer is subject to change, this criterion will only apply to applications for new or vacant pitches)**

- Consideration should be given here to the adjacent retail offer to each individual pitch. The street trading offer should complement rather than compete directly with this.

### **5.2.8 Equal Opportunities - due consideration has been given to Equal Opportunities**

- The applicant is asked to demonstrate how they take equalities into consideration with their service provision. For example, how would they look after a customer with a sight or speech impairment?

5.2.81 Street Trading consents are limited to the sites listed in **Appendix 1**. Street Trading consents are renewed annually for the period 1<sup>st</sup> April to 31<sup>st</sup> March unless granted for a reduced period. Consents can be revoked by the City Council at any time. In the event of the consent being revoked, surrendered or lapsing without being renewed then the Council will invite new applications for the vacant site.

5.2.82 Any proposed revocation of consent will be subject to the review of the Head of Tourism and City Centre Management. A trader whose consent has been revoked may appeal in writing to the Council's Director of the Environment (or such other officer as the Council appoints) within 5 working days from, but not including, the day the trader is notified of the decision against which they wish to appeal. The decision of the Director of the Environment or other appointed officer shall be final in all respects.

### **5.3 Applications to renew an existing consent**

- 5.3.1 Applicants wishing to renew their consent should do so by completing a Street Trading Consent Application form (**Appendix 4**) and submitting this to the Council by **1<sup>st</sup> November** each year. Application forms can be downloaded from the Council's website ([include hyperlink](#)).
- 5.3.2 At this renewal time, the Markets and Street Trading Manager may consult with some or all of the consultees listed in Section 2 to determine if the street trader is a cause for concern or has been the subject of complaints over the past 12 months. In their application traders will need to be able to demonstrate that they are continuing to meet the Council's "criteria for assessment on applications" as set out in section 5.2 above.
- 5.3.3 Where a renewal application has been made and the trader is compliant with all the "criteria for assessment," there have been no substantiated complaints, no enforcement issues and all fees have been paid on time, the consent will be renewed. Applicants will be informed of the outcome of their application within 4 weeks of receipt of their completed application form.
- 5.3.4 If a renewal application is not made by the **1<sup>st</sup> November** the Council will treat the pitch as vacant.
- 5.3.5 Where a renewal application has been made and there is evidence of non compliance with the Council's "criteria for assessment" or where there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing Sub-Committee. Where complaints have been received these will be put before the Licensing Sub-Committee with a summary of how these complaints were investigated and what the outcome was.

#### **5.3.6 Street Trading Liaison meetings and 3 yearly Street Trader Review**

- 5.3.61 In order to ensure that where consents have been renewed on an ongoing basis that high quality is maintained, in addition to the annual checks of compliance with the Council's assessment criteria, the Council will introduce a "Street Trader Review" which will be undertaken with each trader every 3 years. The Markets and Street Trading Manager or another authorised City Council Officer will undertake these in a "Street Trading liaison" meeting. In particular this review will look at the product range sold and discuss with the trader any planned developments or potential enhancements. It may also be used to discuss any potential enhancements to the stall design.
- 5.3.62 The Markets and Street Trading Manager will agree on any enhancements/ improvements to be undertaken and the timescales by which these should be implemented . These will be recorded on the

Street Trader Review form, which will then be signed, by both the Consent holder and the Council's Officer. An example of the "Street Trader Review" form is included as **Appendix 5**.

5.3.63 A record of the last "Street Trader Review" will be shown on the notice displayed within the street trading unit. This is referred to as point 10 of the Street Trading Conditions (**Appendix 3**)

#### **5.4 Application for new or vacant pitches**

5.4.1 Where vacant or new pitches of more than 6 months become available the Council will invite applications for these pitches. These will be advertised on the City Council's website and in the local press. This might be at any time of the year.

5.4.2 If more than one application is received for any new or vacant pitch a meeting of the City Council's Licensing Sub-Committee will be convened to consider the applications. This Committee is made up of a panel of elected members who then assess the applications against the Council's "criteria for assessment" as set out in section 5.2.

5.4.3 At a meeting of the Licensing Sub Committee there will be an opportunity for each applicant to give a 10-minute presentation on their business proposal. If the application is food related applicants are requested not to bring taster samples. The applicant's proposal should be focused on how and why they meet the Council's "criteria for assessment" as set out in section 5.2.

5.4.4 Members of the Sub-Committee will then assess each application against "criteria for assessment." If there are competing applicants for each pitch this necessarily entails assessing one application against the other. In carrying out their assessment for each pitch, it is a matter for the Sub-Committee how much weight they give to each criterion.

5.4.5 There is no statutory right of appeal against refusal to grant or to renew street trading consents.

5.4.6 If an applicant has identified a potential new street trading pitch on one of the listed consents street in section 3.7, which is not currently one of the Council's approved pitches, the applicant can submit an expression of interest in this new pitch to the Markets and Street Trading Manager. They will then give due consideration to the appropriateness of this pitch taking into account all the factors as set out in Section 2 and having consulted with those consultees listed in Section 2.

5.4.7 If a new pitch is subsequently approved then it will be necessary for the Council to advertise this as set out in Section 5.4.1. The anticipated timescales for processing applications for new or vacant pitches will be detailed on the Street Trading consent Application Form.

- 5.4.8 Vacant pitches of 6 months or less will be advertised on the Council's website. Decisions on awarding these consents will be made by the Head of Tourism and City Centre Management under delegated authority of the Licensing Committee.

## **6. Fees**

- 6.1 The Council is permitted to charge such fees as it considers reasonable for street trading consents. Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location and the duration of the consent, Details of the current fees can be found on the City Council's website.
- 6.2 Invoices for fees will be issued on or around 1st April each year.

## **7. Conditions and enforcement**

- 7.1 A set of standard conditions will be attached to every street trading consent. The Council's current conditions are set out at **Appendix 4**. The consent holder must comply with all of the standard conditions, which are designed to maintain public safety, prevent nuisance and protect the local amenity.
- 7.2 Failure to comply with one or more of the conditions may lead to revocation or non-renewal of a street trading consent.

## **8. Contact Information**

- 8.1 The street trading function is part of the Tourism and City Centre Management Service and the Environment Department of the City Council.
- 8.2 Our address is:
- City Centre Management  
The Guildhall  
Cambridge  
CB2
- 8.3 To ask about any street trading issue, first contact the City Centre Management team on 01223 456464 or visit our website: [www.cambridge.gov.uk](http://www.cambridge.gov.uk) or via email on [citycentremangement@cambridge.gov.uk](mailto:citycentremangement@cambridge.gov.uk).