

# CITY AND COUNTY OF CARDIFF

## STREET TRADING CONSENT - STANDARD CONDITIONS LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 4



- General**
1. The grant of a Street Trading Consent shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than Part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
- For the avoidance of doubt, this includes the requirement to seek and obtain planning permission and/or advertisement consent.
- Commodities**
2. Only those goods specified in the Consent may be sold. All commodities must comply with current Consumer Protection legislation. (For advice and information contact Trading Standards on 029 20872059).
- All merchandise sold from the receptacle/stall shall be of a good merchantable quality and sold at reasonable prices. The prices of all merchandise and services shall be either clearly marked or included on a price list to be displayed in a prominent position within the receptacle/stall visible to customers.
- The Consent holder shall immediately cease selling and remove from display at the receptacle/stall, any merchandise to which the Council shall object whether because of the nature of the merchandise, its quality or for any other reason.
- Day and Times**
3. Trading may only take place on the days and during the times specified on the Consent.
- Position**
4. The trader shall trade only from the position indicated on the Consent.
- Use of Site**
5. Where permission has been granted by the Council for a Consent Holder to use a receptacle/stall for the sale of goods, the receptacle/stall used for trading must be erected so as not to protrude or project outside the limits of the permitted area in any way.
- A trader or his assistant shall not cause or permit goods, or containers (except refuse containers used solely for the purpose) to be placed alongside or around a receptacle/stall or area approved under the Consent.
- The receptacle/stall shall not be left unattended on the site.
- The receptacle/stall shall not be used for any other purpose other than trading from the site.

- Nature and type and size of receptacle/stall** 6. Where permission has been granted by the Council for a Consent Holder to use a receptacle or stall for the sale of goods, such receptacle/stall must be of a type and style approved in writing by the Council and positioned entirely within the permitted area.
- The area occupied by the trader must not exceed 3 metres x 2 metres.
- Removal** 7. Receptacles and stalls shall be easily and immediately removable.
- Traders or their assistants shall remove the receptacle/stall and goods for so long as may be necessary in the event of an emergency or in exercise of the Council's powers and duties, if reasonably required to do so by a police officer or a duly authorised officer of the Council.
- Traders or their assistants shall remove the receptacle/stall and goods within a reasonable time after the expiry of the time for trading specified in the Consent, if reasonably required to do so by a duly authorised officer of the council.
- Trader's Vehicle** 8. A Consent Holder shall not leave his vehicle in the street in which he trades, apart from in approved parking spaces, except for the purpose of loading and unloading goods. Such loading and unloading shall be carried out as quickly as possible and the vehicle removed immediately on completion. This condition shall not apply when waiting restrictions are in force.
- Consent holder** 9. Fixed Unit
- Where permission has been granted to trade from a receptacle or stall, the Consent Holder may employ any other person to assist in the conduct of the business, but may not let, assign or part with his interest or possession under this Consent or any part thereof but he may surrender it at any time. The rights granted by the Consent cannot be sublet, transferred or shared with any other person or party and is personal to the Consent Holder.
- Mobile Traders
- Where permission has been granted to trade whilst carrying goods, at a specific site, the Consent Holder may **not** employ any other person to assist in the conduct of the business. The Consent Holder may not let, assign or part with his interest or possession under this Consent or any part thereof but he may surrender it at any time. The rights granted by the Consent cannot be sublet, transferred or shared with any other person or party and is personal to the Consent Holder.
- Personal attendance** 10. The Consent Holder shall be in attendance at the site and shall not appoint any other person to run the business on his behalf.
- Offensive material** 11. The Consent Holder or his employees are forbidden to sell, display or wear any article which is or is intended to be offensive either in writing or pictures. *(If any doubt exists on whether an article/material could be considered offensive please contact the Licensing Section on Cardiff 029 20871651).*

- Conduct** 12. Traders and any assistants employed by them shall ensure the public and Council officers are treated fairly and with courtesy.
- Traders shall ensure that their staff are competent, courteous and helpful.
- Refuse and Waste** 13. The trader shall keep the site at all times clean and tidy and free from litter; provide adequate facilities for the hygienic storage of refuse, ensure that they do not become overfilled and at the end of each trading day and as often as may be necessary during the trading day properly dispose of all refuse including cooking oils etc. in an authorised manner. The trader shall comply with all requirements of the Environmental Protection Act 1990 with respect to Duty of Care. *(For advice and information contact the Environment Agency on 029 20770088). (For advice and information, on commercial waste arrangements, contact the Commercial Waste Section on 029 29775444)*
- The trader shall collect and similarly properly dispose of all wrappings and litter within a 5 metre radius of the site (and beyond where it is the result of the trader's activities from the site) at the end of each trading day and as often as may be necessary during each trading day so as to keep and leave the street in a clean and tidy condition.
- The trader or his assistant shall comply with any directions given by the Council from time to time regarding the handling, storage and removal of the refuse.
- Food Hygiene** 14. The trader shall comply with all requirements of the Food Hygiene (Wales) Regulations 2006, General Food Regulations 2004, Regulation (EC) 852/2004 & Regulation 178/2002. All traders (food) shall give details to the appropriate registration authority having regard to Article 6 Regulation (EC) No 852/2004. *(For advice and information, contact Food Hygiene on 029 20871128).*
- Nuisance** 15. The Consent Holder shall not undertake any action or activity on the street, including trading from the site in a manner which, in the opinion of the Council causes an obstruction in the street or constitutes a danger, nuisance, annoyance or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
- Highway surface** 16. The trader or his assistant shall not make any excavations or indentations of any description whatsoever in the surface of the highway or place or fix any equipment of any description on or in the said surface.
- Display of Sign** 17. Where permission has been granted to trade from a receptacle or stall, the Consent Holder shall have legibly and prominently displayed on his receptacle/stall a notice showing his name and Consent number.
- Identification** 18. A trader must produce his/her Street Trading Consent and identification which includes name and address and date of birth to any authorised officer of the Council or any police officer in the course of their duty.
- Advertisements** 19. No advertisement shall be displayed on the receptacle or stall which relates to any goods, commodities or services other than those offered for sale or provided on that site.
- Liquefield Petroleum Gas** 20. Traders shall ensure that they comply with the requirements of the Council's guidance document on the safe use, handling, storage and transportation of Liquefied Petroleum Gas used in mobile catering units or similar units. *(For advice and information contact Health and Safety on Cardiff 029 2087 1126)*
- Health & Safety** 21. The receptacle/stall shall be of sound construction and erected and

maintained in a condition so as to protect the health and safety of employer, employees and members of the public.

## **Health & Safety (Contd)**

If freestanding canopies, umbrella or any other portable structures are used, they must be erected and maintained in accordance with the manufacturers' instructions. Where ground sockets are used to secure such equipment, permission must be obtained from the Head of Highways and Parks, County Hall, Atlantic Wharf, Cardiff.

Any electrical installation used in conjunction with the street trading unit must comply with the Electricity at Work Regulations 1989. Specifically, any appliances used in the installation must be subject to regular portable appliance testing, and the installation shall be protected at source, at the main junction or at the generator by a residual current device or some other equally suitable means of protection.

*(For advice and information contact Health and Safety on Cardiff 029 20871126)*

## **Safety of Equipment**

22. Heat producing equipment (eg. Braziers) shall be so placed within the trading area 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 Council's Officers.

Where mobile electrical generators are employed they shall be so positioned that :

- a) they do not present a danger to the passing public;
- b) they do not present a fire or similar hazard risk to the stall or goods displayed thereon;
- c) they do not cause any noise or fume nuisance;
- d) all petroleum spirit or other highly inflammable liquid used in connection with the generator shall be stored in a metal container with a secure leak proof cap not exceeding 23 litres or a plastic container not exceeding 5 litres capacity. The container to be labelled "Petroleum Spirit Highly Inflammable". The container shall be stored securely and remote from sources of ignition.

## **Amplification**

- 23 No amplification equipment shall be used by the trader.

## **Directions by Council**

24. The Consent Holder shall comply with all reasonable directions given by the Council or by any authorised Officer of the Council regarding any matter to which this Consent relates.

## **Revocation and refusal of Consent**

25. In the event of any breach or non-compliance with the provisions of the Miscellaneous Provisions Act or the terms and conditions of this Consent by the Consent Holder (including any person associated with the Consent Holder), the Council may immediately revoke the Consent without notice and/or refuse to grant further Consents to the individuals concerned.

## **Offences**

26. Any person who contravenes a condition imposed under the Consent shall be guilty of an offence. (Paragraph 7(9) Schedule 4 Local Government (Miscellaneous Provisions) Act 1982.

## **Advice and information**

27. If you require any further advice and information relating to these Conditions, please contact the Licensing Section on Cardiff 029 20871651.