

STREET TRADING POLICY

Local Authorities (LAs) have a legal discretion to regulate street trading in their administrative area.

Purpose of the policy

This policy is to control street trading across the Brentwood Borough Council by means of a combination of street trading consent and licence schemes, whereby specific streets will be prohibited from any street trading at any time and the remaining streets will become either licensed streets or consent streets. Trading from designated streets is also prohibited unless the trader has applied for and received a consent or licence to trade from Brentwood Borough Council. Any such street trading permission will contain restrictions on the location and permitted times for trading, type of goods sold and contain clear conditions which must be adhered to in order for the trader to obtain and retain the permission. The conditions are to protect public safety, promote public health and reduce nuisance to neighbouring properties. These will be attached to any permissions given.

Definitions

“Street Trading” is defined in paragraph 1 of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 – hereinafter called “the Act” – as

“The selling or exposing or offering for sale of any article (including a living thing) in a street”.

Street The above Act defines the term “street” as including:

“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”.

Any part of a street is a “street” for the purposes of the Act.

Exemptions:

The Act at paragraph 1(2) of Schedule 4 states that the following types of trade are not street trading:

1. a pedlar trading under the authority of a pedlar’s certificate granted under the Pedlar’s Act 1871;
2. anything done in a market or fair, the right to hold which was acquired by virtue of a grant, enactment or order;
3. trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
4. trading as a news vendor;
5. trading carried out at premises used as a petrol filling station or used as a shop or in a street adjoining premises so used and as part of the business of that shop;
6. selling things or offering or exposing them for sale as a roundsman.

Designation

Brentwood Borough Council has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 to designate the whole borough as either Licensed or Consent Streets for the purposes of Street Trading. The licensed area includes all forecourts, roads, footways, or other areas to which the public have access by fact and without payment.

From time to time, the Council may determine to resolve to designate other areas of the borough for the purpose of Street Trading, or to prohibit Street Trading in specified areas. In such cases details of these areas will be published on the Council website, advertised as required by legislation and included in this policy.

Prohibited Streets

If a street is designated as a “Prohibited Street” then street trading is a criminal offence under The Local Government (Miscellaneous Provisions) Act 1982.

Streets will be designated as prohibited where it is anticipated that such trading would cause:

- noise or nuisance to residents living in the locality,
- would reduce public safety to persons crossing or using the street or to road users.

The following streets have been designated as Prohibited Street:

XXXXXXXXXXXX

Licensed Streets

If a street is designated as a “Licensed Street” then street trading without a licence is a criminal offence under The Local Government (Miscellaneous Provisions) Act 1982.

The following street(s) have been designated as Licensed Street:

- High Street, Brentwood, between Wilson’s Corner and the junction with Kings Road/Weald Road. The licensed area includes all forecourts, roads, footways or other areas adjacent to the roads listed for a distance of 10 metres to which the public have access by fact and without payment.

Consent Streets

If a street is designated as a “Consent Street” then street trading without a consent is a criminal offence under The Local Government (Miscellaneous Provisions) Act 1982.

When granting or renewing a consent, the council may attach any reasonable condition; furthermore, the council can, at any time, vary the conditions attached to the consent. Any such variations will be notified in writing to the named person in receipt of the consent to trade and will take effect immediately or on the date of the notification letter.

There is no right of appeal against any council decision made in regard of a street trading consent.

The following street(s) have been designated as Consent Street:

All streets other than those that are Prohibited Streets or Licensed Streets as provided above.

Considerations when assessing an application for a Street Trading Consent

Public safety

The proposed location of the activity should not present a risk to the public in terms of highway safety and obstruction. Where any proposed trading is within 50 metres of a school entrance, the council will seek the views of the school.

Prevention of crime and disorder

The proposed activity should not increase the risk of crime and disorder. This is likely to be more of an issue in respect of applicants wishing to trade at later hours.

Prevention of public nuisance

The proposed activity should not increase the risk of nuisance from noise, refuse, vermin, fumes and odours.

Suitability of the Location

That there is not enough space in the street for the applicant to engage in the trading in which he/she desires to engage without causing undue interference or inconvenience to persons using the street.

Where the street trading may damage the structure or surface of the street;

Where the appearance or quality of the trading equipment or structure/stall in use is not compatible with the character of the area in which it is proposed to be situated.

Suitability of the trading unit

This should be of a good quality design, safe construction and add to the quality of the street scene. The unit shall comply in all respects with any legal requirement relating to the trading activity proposed.

Suitability of the applicant

The applicant must provide a Basic DBS check that is no more than 3 months old (Or 12 months old if the applicant is already the holder of another street trading consent/licence that is still in force and a Basic DBS has been provided for that application).

A policy with regards to the suitability of applicant is attached as **Appendix 2**. In addition to the criminal suitability of the applicant consideration will be given to complaints or other matters related to behaviour or compliance with consent conditions or relevant legislation. Any of these matters may result in a consent being refused, revoked, or not renewed or additional conditions added.

Suitability of employees

An employee is defined as those working or providing a service associated with the consent.

The applicant/consent holder will be required to ensure that any person that is employed to work on the stall associated with the consent is suitable to do so in relation to their behaviour and or previous convictions.

Number of Street Trading Consents/Licences issued

Consents or Licences may not be issued where Brentwood Borough Council considers that sufficient street traders already exist in that locality and that additional traders may cause risks to public safety or nuisance to the occupants of neighbouring properties.

Consents or Licences may not be issued where Brentwood Borough Council considers that there are already enough traders trading in the street from shops or otherwise in the exact goods in which the applicant desires to trade.

Duration of Consents and Licences

Street Trading Consents and Licences will normally be issued for one year from the date of grant for new applications or from the date of renewal for existing holders.

A Street Trading Consent and Licences cannot be issued for more than one year.

Types of Consent or Licence

The following types of consent can be issued:

- Static – Is for a trader that will trade from the same site on each occasion for the duration of the consent or licence.
- Mobile – Traders with a mobile consent or licence must not trade from the vicinity of any one location for more than 1 hour in any one day.

Planning Permission

The land from which you intend to trade may require planning permission for such use. It is your responsibility to check with the Council's planning department prior to applying for a Licence/Consent.

Fees

All fees must be paid in advance. A copy of the current fees can be found on the council's website.

The following Street Trading activities have been deemed by Brentwood Borough Council to **not** require the payment of fees to the Council:

1. Non-commercial car boot sales.
2. Fetes, carnivals and similar community based not for profit run events.

Conditions and enforcement

Standard conditions (attached at **Appendix 1**) will be attached to every Consent and Licence, detailing the holder's responsibility to maintain public safety, prevent nuisance and preserve the amenity of the locality.

Additional conditions may also be attached limiting the days and hours when street trading is permitted, the goods which may be sold, the size of the trading unit or pitch or any other relevant matter.

Failure to comply with these conditions may lead to revocation or non-renewal of the consent.

The following are offences under the above Local Government (Miscellaneous Provisions) Act 1982 and will be considered for prosecution:

1. Street trading in a prohibited street,
2. Street trading in a Consent Street without a relevant Consent to Trade,
3. Street trading with a Consent to Trade, but not complying with the times or location stated within the Consent to Trade.

All decisions regarding enforcement action will be made in accordance with the Licensing Departments Enforcement Policy of Brentwood Borough Council.

The Council may at any time revoke a Street Trading Licence or consent if they consider that:

- (a) owing to circumstances which have arisen since the grant or renewal of the Licence/Consent, there is not enough space in the street for the holder to engage in the trading permitted by the Licence/Consent without causing undue interference or inconvenience to persons using the street;
- (b) the holder is unsuitable to hold the Licence/Consent by reason of having been convicted of an offence or for any other reason;

- (c) since the Licence/Consent was granted the licence holder has persistently refused or neglected to pay fees or charges due for the licence or any associated services in his/her capacity as Licence/Consent holder.
- (d) since the grant or renewal of the Licence/Consent, the holder has without reasonable excuse failed to avail him or herself of the Licence/Consent to a reasonable extent.

If the council consider that they have grounds for revoking a Licence/Consent by virtue of the above, they may, instead of revoking it, vary its principal terms:

- (a) By reducing the number of days or the period in any one day during which the holder is permitted to trade; or
- (b) By restricting the descriptions of goods in which they are permitted to trade.

A Licence holder may at any time surrender their Licence/Consent to the Council and it shall then cease to be valid.

Applications

An application for a Street Trading Licence/Consent or the renewal of such a Licence/Consent shall be made in writing to Brentwood Borough Council.

The applicant shall provide:

- Fully completed application form,
- Copies of public liability insurance or evidence of the proposed insurance,
- A Basic DBS certificate not more than 3 months old (or 12 months in line with this policy),
- A passport style photograph of the applicant,
- Details of all staff either paid or voluntary that will be engaged in relation to the consent,
- Details of proposed vehicle, trailer or stall, including photographs where relevant.
- Any MOT, vehicle insurance etc or other documentation associated with vehicles used in association with the application.
- The appropriate fee.

However, where a market operator that has been instructed by Brentwood Borough Council to operate the markets in Brentwood the fee will be paid to the Council by the Market operator. The Market Operator will be responsible for ensuring that the Street Trading (Market) application form is completed by each individual trader selling on the market.

Prospective applicants are most strongly advised to seek the necessary permissions, consents and, where appropriate, planning permissions before making a commitment to any financial outlay and before applying for the Street Trading Licence/Consent.

Renewal

The consent holder must apply to the Council for a renewal at least 30 days prior to the date of the current Licence/Consent expiry. If an application for renewal is not received by the expiry date, the Licence/Consent will lapse

Brentwood High Street Market

The market will take place only on the street trading pitch locations indicated on the plan included as **Appendix 3** of this policy, for which there is provision for up to 23 stalls. Typically trading will occur on both sides of the High Street between properties 39 – 51 High Street.

Planning Permission has been granted for markets to take place on designated areas of Brentwood High Street for 7 days per week. Markets are typically held on Fridays and Saturdays. The Council has the right to operate markets 7 days per week; however the Council will only operate a full Market on designated market days and on one-off special occasions and events.

On every occasion licence holder must ensure that a sufficient gap is left between stalls/pitches and between stalls/pitches and street furniture to enable unrestricted and unfettered wheelchair, pushchair or pedestrian movement. This gap should normally be a minimum of 1.8 metres.

All individual pitches are for a maximum size of 3m x 3m and no double pitches will be allowed where street furniture or wheelchair, pushchair or pedestrian movement are impeded by the placement of a stall.

Should such an occasion arise the licence holder/stallholder will be required to reduce the size of their stall. Any failure to do so after having first been warned may result in revocation or suspension of the Street Trading Licence, refusal to renew a Street trading Licence and/ prosecution for having breached the licence conditions.

All traders (with the exception of the long-standing High-Street Fruit and Vegetable Stall) wishing to operate on any Market Day may only do so through the Market Operator as may be appointed from time to time by the Council. Any traders wishing to operate on non-Market days must make application direct to the licensing team and such applications will be considered in line with the Standard conditions and this policy on the individual merit of the application and on a case-by-case basis.

Traders at Markets operated by third party market operators will need to meet the criteria of the market operator which can be obtained through the market operator. Traders will also require a Street Trading Licence issued by Brentwood Borough Council. Conditions of the Licence are described in the criteria set in **Appendix 4**.

All stall holders will be expected to submit a street trading market application.

Traders will need to supply their own stall and will be given a pitch approximately 3m x 3m. Stalls must be of high quality and safety is paramount. Stalls must be robust and withstand winds and therefore stalls will require weights.

The size and positioning of the stall must be such that it does not contravene the restrictions specified in these conditions. In respect of markets, all stalls need to be

compatible in size, style and colour and the appearance of the market must be attractive and consistent in nature. The arbiter of this standard will be always the Council.

Traders must not set up before 7am Monday to Friday or before 8am on Saturday and Sunday. Traders must remove vehicles from the market site by 8am on Monday and Friday and by 9am on Saturday and Sunday. Traders must continue trading until 5pm on all market days and will not be able to begin loading before 5pm on market days.

Stalls, produce or products will only be allowed to be left out or stored overnight in the High Street town centre pavement area for markets lasting more than one day such as a continental or themed markets for example at the discretion of the Council and on the strict proviso that they are securely guarded all night and that they will not be left out in adverse or inappropriate conditions such as high winds etc. Ordinarily all stalls, produce or products must be removed and cleared away at the end of each trading day.

Guidance on products

The Council operates a fair system and welcomes all applications. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 states that Council's may refuse an application on the following grounds:

That there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade.

The Government has issued guidance that states that restricting certain types of trading may fall foul of competition laws and therefore suggests that schedule 4 of the Local government (Miscellaneous Provisions) Act 1982 should not generally be applied. However, it is the view of this Council that the Market has been introduced for a specific purpose and that schedule 4 has not to date been repealed. Therefore, some trading may still be refused if the Council believes that there is a surplus of certain products already available whether on the Market or in local shops. Whilst there is flexibility within this policy and each case will be considered on merit this restriction will normally only apply to branded goods or goods that are unsuitable for a Market environment. Final determination will lie with the Council.

Healthy competition is good for the town; however, the objective of the market is to complement and enhance the offering provided by the shop traders in the town.

The Act allows the Council to attach such further conditions as appear to be reasonable. Each application will be considered in its own right and on its own individual merits. In this respect the Council has produced some guidance on the types of products which may be refused in order to be in keeping with the character of the Council and of the town centre and which as part of the Council's policy may also form part of the licence conditions. These are:

a) To allow one type of product, or class of products to be sold by any individual trader.

b) To ordinarily refuse products not in keeping with the character of the High Street or the objectives of providing specialist and niche products this could include for example:

- Products of a sexual content
- Products promoting the use of drugs or tobacco related products
- Funfair type products; donuts and candyfloss
- Knives and other weaponry

Each application will however be considered in its own right and on its own merits.

Appendix 1.

GENERAL CONDITIONS FOR STREET TRADING CONSENTS/LICENSES (not Markets)

The Council will not grant a Street Trading Licence/Consent to persons under the age of 17 years and no person employed by a Holder to assist them in the street trading shall be under the age of 16 years.

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

No trading stall, vehicle etc. is permitted to remain at the locality in question outside the permitted hours. It must be removed at the end of each trading day and not returned until the agreed trading commencement hours the following day without the landowners written consent

Planning Permission

The land from which you intend to trade may require planning permission for such use. It is your responsibility to check with the Council's planning department prior to applying for a Licence/Consent.

Location of static trading units

Static units must not trade from any area other than the site defined in their Licence/Consent to Trade. If the holder wishes to move the trading unit to another site, they must apply for a new Licence/Consent to trade.

Goods sold from the trading vehicle

The Licence/Consent holder can only sell goods identified in the Licence/Consent to Trade. If they wish to sell different or additional goods, they must apply for a new Licence/Consent to trade.

Trading Times

The holder shall not trade within the Brentwood borough outside the time and days permitted by the Licence/Consent.

Legal requirements of the trading unit

The mobile vehicle, stall, barrow etc. must always comply with the requirements of the Food Safety Act 1990, Food Hygiene (England) Regulations 2006 and the Health and Safety at Work etc. Act 1974 and any other relevant public safety legislation.

Traders that are permitted to trade at any time between 11.00pm and 5.00am must also be licensed under the Licensing Act 2003 if providing late night refreshment.

Sanitary Provision

The Licence/Consent holder when operating on a static site shall have access to suitable and sufficient sanitary (toilet) facilities for both the holder, and any persons employed in the street trading activity.

Private and Brentwood Borough Council Land

You must provide written confirmation of permission obtained from Brentwood Borough Council or the private landowner for the land where the stall/vehicle is to trade from.

Possession of a street trading Licence/Consent does not, in any way, override parking restrictions or other traffic regulations for either the Licence/Consent holder or their customers.

Change of home address

The Licence/Consent holder must inform the Council of a change in their home address during the period of the consent within seven days of such a change taking place.

Trading Unit Identification Plates

All vehicles, stalls, 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 the Council's property throughout the duration of the Licence/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 must be returned to the Council if the Holder ceases to trade and surrenders the Licence/Consent.

Condition of the stall/vehicle

The Licence/Consent holder must ensure that the appearance of the stall/vehicle is of a high standard and the structure and procedures comply with all relevant legal requirements, in particular the Food Safety Act 1990, the Health and Safety at Work etc. Act 1974, the Food Hygiene (England) Regulations 2006, the Environmental Protection Act 1990 and associated regulations.

The holder shall not place on the street or in a public place any furniture or equipment other than as permitted by the Licence/Consent and 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.

Behaviour

The Licence/Consent holder shall at all times be clean and respectable in his dress and person and behave in a civil, orderly and courteous manner.

Trading shall not take place in such a manner as to cause nuisance or annoyance to persons whether using the street or otherwise.

Mobile Consents

A mobile vehicle shall not remain on any one site for more than one hour in any twenty-four-hour period.

Ice Cream Van Chimes

The Licence/Consent holder must comply with the provisions of the Code of Practice on Noise from Ice Cream Van Chimes etc. 1982, that is: it is an **offence** to sound the chimes so as to cause annoyance. Do NOT sound the chimes:

1. For longer than 4 seconds at a time – use an automatic cut out device.
2. More often than once every 3 minutes.
3. When the vehicle is stationary,
4. Except on approach to a selling point,
5. When in sight of another ice-cream van which is trading,
6. When within 50 metres of schools (during school hours), hospitals and places of worship (on Sundays and any other recognised days of worship),
7. More often than once every 2 hours in the same street,
8. Louder than 80 dB(A) at 7.5 metres distance from the vehicle,
9. As loudly in quiet areas or narrow streets as elsewhere.

It is also an Offence under the Control of Pollution Act 1974 to sound chimes:

1. Before 12 noon and after 1900 hours,
2. At any time, in a way which gives reasonable cause of annoyance.

Refuse

The Licence/Consent holder shall in no circumstances, deposit litter, rubbish or refuse in the street, but shall at all relevant times provide adequate and proper containers for the disposal of such refuse from his vehicle and customers and shall encourage his customers to use those containers. The consent holder shall tidy up, clear up and clean up all refuse, litter etc. before leaving the locality and take the refuse and containers with him/her.

The Licence/Consent holder must ensure that waste liquids arising at the stall are not disposed of into any highway channel, gully or manhole or in any other manner likely to cause pollution of any surface water channel.

All refuse generated by the business must be taken to a licensed waste disposal site. Consent Holders must identify their method of waste disposal at the time of application and keep records of their waste arrangements, which must be made readily available to authorised officers from Brentwood Borough Council on request.

Access by Council and Police Officers

Licence/Consent holders must allow access to Authorised Officers of the Council and Police Officers at all reasonable times.

Street Trading Consents/Licences

The conditions attached to all Street Trading Licence/Consent stipulate that a holder cannot assign, let, sell, rent or otherwise part with his interest or possession of a Street Trading Licence/Consent.

If a holder or their employee is requested to move the stall/vehicle by an authorised Council Officer, a Police Officer, an Officer of the Essex Fire or Ambulance Service, he/shall shall immediately comply with that request.

The Council may vary the conditions attached to the Licence/Consent at any time.

Price List

All Licence/Consent holders must clearly display a price list for the goods on offer for sale.

Insurance

All Licence/Consent holders shall have and maintain an insurance policy against public liability and third party risks.

A minimum insurance cover of £2 million shall be obtained by the holder and shall cover the operator's vehicle or stall and any additional equipment under his control such as generators etc.

The insurance certificate or cover note shall be produced to the Licensing Team before the Street Trading Licence/Consent is issued and at any other time on demand during the currency of the Consent.

Renewal

The consent holder must apply to the Council for a renewal at least 30 days prior to the date of the current Licence/Consent expiry. If an application for renewal is not received by the expiry date, the Licence/Consent will lapse. It is a criminal offence to engage in street trading without holding a current consent.

Appendix 4.

Stall Requirements

All stalls need to be:-

Provided in full compliance with the legal standards laid down by the Health and Safety at Work etc Act 1974 and all regulations made there under. Without prejudice to the generality of the foregoing, the following controls must be in place:

- a) Only placed on firm level ground.
- b) Erected by competent persons with experience of such, pitched and secured firmly in order to prevent any possibility of overturn.
- c) Where connected in any way to a generator, that generator to be sited externally along with any fuel supply and pipe work to it and to fully comply with all relevant provisions of electrical safety acts and regulations.
- d) Electrical cables and wires must be placed so as to prevent tripping hazards. In the first instance these should always be placed away from any pedestrian areas. It is not permissible to cover cables and wires even with a bespoke rubber mat or duct tape as these may also present a tripping hazard. Cables and wires may however be suspended and at a height of no less than 198 centimetres above the ground below so that pedestrians may walk safely beneath. Additional support via a 'catenary wire' must be provided where electrical cables are suspended so as to prevent electrical short circuit.
- e) All electrical circuitry must be weather resistant, and so placed and maintained to prevent electrical short circuit and danger from electrical shock.
- f) Where supported by guy ropes, those ropes and ground pegs to be positioned in such a way that they cannot be inadvertently tripped over and do not extend into any designated public walk-ways or traffic routes.
- g) Where used to contain any cooking apparatus that the apparatus is placed in such a way within the confines of the stall such that it will not catch fire nor produce a fire hazard as a consequence of any naked flame or heat producing surface.
- h) Where used to contain any heating apparatus that the apparatus is placed in such a way within the confines of the tent/marquee such that it will not catch fire nor produce a fire hazard as a consequence of any naked flame or heat producing surface.
- i) Provided where necessary with suitable apparatus to extinguish fire.
- j) To be pitched in such a way that the public may exit quickly through unimpeded and clear signed exits.
- k) Where containing any gas cylinders, that those gas cylinders (LPG) should be stored / used in the fully upright position at all times. The cylinders should where necessary be tethered in that position to a rigid supporting structure to prevent the possibility of being inadvertently moved or overturned. are either laid down or tethered to a rigid supporting structure to prevent falling/overturn.
- l) Flame and fire-retardant material must be used in the construction of the individual stalls. Stall holders are reminded that their stall will come under the requirements of the Regulatory Reform (Fire Safety) Order 2005 and the person/company/business responsible for the stall will be required under this order to undertake a fire risk assessment. The significant findings of that assessment are to be recorded. The completed assessment must be

maintained available for inspection by the Fire & Rescue Service/Event Organiser or Council Officers at all times. The assessment will take into consideration amongst other issues most of those identified under Section 4.1 of the Policy for Market Stall and Street Trading activities.

- m) Residual Current Devices and Residual Current Circuit Breakers (RCD's/RCCB's) to be placed as appropriate within all mains electrical provision to prevent all exposed metal components from becoming electrically energised.
- n) Where any gas system is provided that it complies with the Gas Safety (Installation and Use) Regulations 1998 Section 35 and has been certificated by an appropriately qualified Gas Safe Engineer.
- o) No fire hydrant indicator plate or fire hydrant pavement cover shall be obstructed, or access to it restricted at any time by the activities of the stall holder(s)

The Stall shall only be used for the sale of goods specified.

The Stall shall only be used by the Stallholder and his employees. The Stallholder shall not do or allow anything to be done which may cause or be a nuisance or annoyance to any member of the public or which may be detrimental to the efficient operation of the Market.

Traders must not set up before 7am Monday to Friday or before 8am on Saturday and Sunday. Traders must remove vehicles from the market site by 8am on Monday and Friday and by 9am on Saturday and Sunday. Traders must continue trading until 5pm on all market days and will not be able to begin loading before 5pm on market days.

Stallholders will be expected to treat their colleagues and all visitors and residents with respect.

No traders' vehicles will be placed on the Market site, other than for loading and unloading at the times permitted under paragraph 4.4 of this policy.

It is the Council's intention to ensure that the market is well presented and adequately stocked to be attractive to potential customers and in support of the town centre. A high quality standard is required of all traders' presentations and merchandising and in pursuit of this the Council will set quality standards. Poor presentation could lead to termination of the right to trade.

A Street Trading Licence does not convey any other approvals that may be necessary under the Food Hygiene regulations, Planning legislation or other appropriate legislation.

The Stall shall be kept in an orderly manner, clean and free from litter. No heating or lighting apparatus shall be installed without the permission of the market operator.

No electrical connections must be made by stall holders to any public or utility equipment. Only generators or gas cylinder equipment that are compliant with the above are permissible.

Stalls, produce or products will only be allowed to be left out or stored overnight in the High Street town centre pavement area for markets lasting more than one day such as a continental or themed markets for example at the discretion of the Council and on the strict proviso that they are securely guarded all night and that they will not be left out in adverse or inappropriate conditions such as high winds etc. Ordinarily all stalls, produce or products must be removed and cleared away at the end of each trading day.

The Stallholder shall:

- (i) Indemnify the Council against all costs, demands, claims proceedings and actions incurred by the Council relating to or arising out of the use of the space allocated by the Council.
- (ii) Obtain and maintain Public Liability Insurance with a minimum indemnity limit of £5,000,000 (five million pounds) and shall produce to the Council evidence of such insurance with the application to trade.

Food Traders

Where the stall is used for the sale or offering of food, that it complies in full with all relevant provisions of the Food Safety Act, and EC Regulation 852/2004.

Without prejudice to the generality of the foregoing, the following controls must be in place:

- a) To have registered the business under food law with the local authority in which they reside overnight or trade.
- b) A copy of the food registration certificate to be available for inspection.
- c) The food business to be 'broadly compliant with food hygiene law relative to its last inspection (i.e., a score of no more than 10 with regard to any of the three compliance areas, namely: -hygiene, structure and management).