

Environmental Development

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Consultation

# Changes to Street Trading Scheme and Draft Street Trading Policy

Consultation closes 4<sup>th</sup> January 2010





## **Consultation on Changes to the Street Trading Scheme and Draft Street Trading Policy**

The consultation period runs until 4 January 2010.

The street trading scheme was inaugurated in the 1986 under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 that gave local authorities statutory powers to regulate street trading. Under the scheme, anyone selling any items from a stall or vehicle in the street is required to hold a Street Trading Consent issued by the Council. The consent allows the consent holder to trade from a fixed site.

The location of street trading pitches in the City centre is being reviewed following the redevelopment of Bonn Square and the Transform Oxford project. The Council's General Purposes Licensing Committee has requested that a full review of the street trading scheme and policies be carried out at the same time.

The General Purposes Licensing Committee is seek views on

- the Draft Street Trading Policy,
- the principle of a new approach for street trading in the northern part of St Ebbes Street,
- the principle of changing the designation of streets in all or part of the City centre to consent streets,
- whether there should be more or less street trading in the city,
- whether greater controls should be in place over the space occupied by individual street trading pitches and the appearance of stalls so that they are of uniform look and quality, and
- whether there was a need for more enforcement of street trading legislation.

Committee wishes to make it clear that although it is consulting upon designating additional streets as consent streets it does not necessary follow that the Council is intending to create additional pitches, but rather to enable rationalisation of street trading to take place.

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## Introduction

1. The current Street Trading Consent Scheme has been in place since 1986 with some subsequent amendments. Prior to the scheme being introduced street trading was largely uncontrolled. A 1927 byelaw prohibited the sale of fish, fruit, vegetables, ice cream, flowers, toys and other similar products between the hours of 10.00am and 8.00pm in certain streets within a ¼ mile radius of Carfax. During the early to mid 1980's the number of late night hot food vans trading in the City Centre had become an issue. However it fell outside the scope of the byelaw and was therefore largely uncontrolled. The 1986 scheme was introduced as a response to this issue. Under the scheme, anyone selling any items from a stall or vehicle in the street is required to hold a Street Trading Consent issued by the Council. The consent allows the consent holder to trade from a fixed site and is granted under the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
2. The original scheme comprised 30 pitches (19 roadside locations and 11 pavement locations). Pitches 1-3 were designated for the sale of ice cream. Pitches 4-19 are roadside pitches used for the sale of hot food between the hours of 1830 and 0300 (there were some exceptions which permit trading until 0400). Pitches 20-30 are pavement locations. Trade is only permissible at these locations between 1000 and 2100 any day. The locations have changed little over the years although due to changes of road layout some pitches have become redundant.

## The Draft Street Trading Policy

3. The draft Street Trading Policy sets out Oxford City Council's framework for the management of street trading in Oxford. This document will guide the Council when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed. It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.
4. Included in the draft policy are the criteria for deciding applications for street trading consents and a revised set of conditions aimed amongst other things at providing better controls over the appearance and quality of stalls and the size of pitches.
5. **Comments are sought on:**
  - **the draft policy (appended),**
  - **on whether greater controls should be in place over the space occupied by individual street trading pitches and the appearance of stalls so that they are of uniform look and quality,**
  - **on whether there is a need for more enforcement of street trading legislation, and,**
  - **on whether there should be more or less street trading in the City.**

## Street Trading Sites

- 6. Comments are sought on the principle of changing the designation of streets in all or part of the City centre.**
7. Annexe 1 of the draft Street Trading Policy identifies the streets where street trading is prohibited (Prohibited Streets) and those where it is allowed with the consent of the Council (Consent Streets). It also lists the sites that are currently approved for street trading. We are looking at other approaches for the location of street trading sites. Firstly, to explore changing the designation of some of the streets in all or part of the City Centre to Consent Street. Given Oxfordshire County Council's efforts to accommodate pedestrians through Transform Oxford, changing designation to Consent Street would allow for the creation of new pitches and the relocation of some pitches that should be closed. Any changes would be carried out in accordance with the new policy, if adopted.
- 8. Comments are sought on the principle of a new approach for street trading in the northern part of St Ebbes Street.**
9. The second option would be to explore a new approach for the northern part of St Ebbes Street. The idea is to create up to 10 new pitches and to decant the current pitches from Bonn Square and the western part of Queen Street to this location. The whole area could be tidied up in the process and a mini-market of stalls of the same design could be created. This proposal would regenerate this part of St Ebbes Street which has become cluttered and is difficult to keep clean. By removing all the furniture it opens up the vista towards Bonn Square and visually connects with it. The proposal is to use this space on a regular basis for street traders but not exclusively so. About nine or ten street trading stalls would be placed down the centre of the Street.



# **Draft Street Trading Policy**





## **Draft Street Trading Policy**

### **1 Purpose of the Policy**

- 1.1 This policy sets out Oxford City Council's framework for the management of street trading in Oxford. Through the street trading scheme the Council aims to regulate the location and number of street traders. The scheme also aims to prevent the obstruction of the streets of Oxford by street trading activities. In doing so, it recognises the importance of licensed businesses to the local economy and the character of the area whilst trying to ensure that the activities do not cause nuisance or annoyance to the people in the area.
- 1.2 This document will guide the Licensing Authority when it considers applications for Street Trading Consents. It will inform applicants of the parameters in which the authority will make decisions and how their needs will be addressed.
- 1.3 It also highlights the Council's undertaking to avoid duplication with other statutory provisions and our commitment to work in partnership with other enforcement agencies.

### **2 Consultation**

- 2.1 In determining this policy, the Council has consulted the following people and bodies:
- Thames Valley Police
  - Oxfordshire Fire and Rescue Service
  - Oxfordshire County Council Highways
  - Central, South and West Area Committee
  - Oxford City Centre Manager
  - Nightsafe
  - Oxford Covered Market traders
  - Gloucester Green Market traders
  - All current consent holders
  - The general public
- 2.2 We have also consulted various other professional people within the council. These include:
- Planning
  - City Works
  - Legal Services
  - Property and Facilities Management
  - City Executive Board Member for Environment
- 2.3 We have considered and taken into account the views of all the appropriate bodies and organisations.

### **3 Review of the Policy**

- 3.1 This policy will be reviewed every three years. At the time of the review, we will again consult all interested parties. As well as the three-yearly reviews, we will continue to evaluate the policy and may update it at any time. Any minor changes can be agreed by the General Purposes Licensing Committee.

### **4 Legislation and current provision**

- 4.1 In 1986 the Council resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 of the Act the Council can manage street trading by designating streets as 'consent streets', 'licence streets' or 'prohibited streets'.

'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.

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.

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.

A licence street is a street that requires a formal licence before any form of street trading can take place.

Annexe 1 lists the streets in the City Centre that are designated as prohibited streets, consent streets, and the approved street trading sites.

There are currently no licence streets within Oxford.

Street Traders that serve hot food or drink at any time between 11.00pm and 05.00am the following day will also require a Premises Licence under the Licensing Act 2003.

## **5 The Licensing Process and Delegation of Functions**

5.1 This part of the document sets out how we will deal with applications for Street Trading Consents in the City of Oxford. The Council aims to provide a clear, consistent licensing service for service users. At the same time, it aims to protect the safety of highway users and to prevent nuisance or annoyance.

5.2 Delegation is laid out in the Council's Constitution as follows:

Full council sets policies on licensing and registration.

The General Purposes Licensing Committee:

- recommends and reviews policies on licensing and registration
- sets and reviews licence fees
- agrees and varies a street trading scheme.

The General Purposes Licensing Committee appoints a Licensing and Registration Sub-Committee to:

- decide street trading applications that are for longer than three months
- decide applications to renew street trading permission when there has been a complaint about the trader or the trader has broken the conditions of their street trading permission in the past year.

The Head of Environmental Development does everything else.

### **Applications for a Street Trading Consent**

5.3 Street Trading Consents are limited to the sites listed in Annexe 1 and tend to remain with the same person for a number of years. Street Trading Consents are renewed annually for the period 1 April to 31 March unless granted for a reduced period. 3 sites are designated for weekly consents and the process is managed by the Environmental Development Service. Consents may 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.

5.4 In considering applications for the grant or renewal of a Street Trading Consent the following factors will be considered:

(a) Public Safety

Whether the street trading activity represents, or is likely to represent, a substantial risk to the public from the point of view of obstruction, fire hazard, unhygienic conditions or danger that may occur when a trader is accessing the site.

(b) Public Order

Whether the street trading activity represents, or is likely to represent, a substantial risk to public order.

(c) The Avoidance of Public Nuisance

Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance to the public from noise or misbehaviour, particularly in residential areas.

(d) Appearance of the stall or vehicle

The stall or vehicle must be of smart appearance and meet criteria, including size, laid down in the standard consent conditions. Photographs or sketches, including dimensions, must be provided with all new applications.

(e) Needs of the Area

The demand for the articles for sale, and the geographical location of the proposed site.

(f) Local Employment

Street Trading gives people the opportunity to begin a business at minimal cost. Priority will be given to applicants who live in or close to the Oxford City Council area.

(g) Environmental Credentials

The impact of the proposed operation on the local environment including carbon footprint, supply chain, packaging, waste minimisation, waste disposal and power supply.

(h) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate accredited by The Chartered Institute of Environmental Health, or The Royal Society of Health, or The Royal Institute of Public Health and Hygiene.

## **Renewals**

- 5.6 Street Trading Consents are issued for a period of up to one year.
- 5.7 Applicants should re-submit their application if they wish to continue to trade at least one month before the expiry of their current consent. At this renewal time, the Council may consult further to determine if the street trader is a cause for concern or has been the subject of complaints.

- 5.8 If a renewal application is not made before the expiry of the current licence, a new application will have to be made. (The effect of this will be that a trader will not be permitted to trade until the new licence is issued.)
- 5.9 Where a renewal application has been made and there have been no justifiable complaints, no enforcement issues and all fees have been paid on time, then the consent will be renewed.
- 5.10 Where a renewal application has been made and there have been complaints or enforcement issues or fees have not been paid on time, then the application will be referred to the Licensing and Registration Sub-Committee.

### **Decisions**

- 5.11 Where an application is referred to the Sub-Committee, it will determine each application on its own merits. Members of the Sub-Committee will consider all information attached to the application. If a member of the Sub-Committee has an interest in a neighbouring premises or knows an applicant personally, they must declare an interest in accordance with the Code of Conduct adopted in accordance with the Local Government Act 2000. Members should take advice from the legal officer present at the meeting as to whether or not the interest prevents them from determining the particular application.
- 5.12 Following the determination of an application by the Licensing and Regulation Sub-Committee, the Council will notify the applicant of their decision in writing as soon as possible after the decision.
- 5.13 There is no statutory right of appeal against refusal to issue a consent.

## **6 Markets**

- 6.1 The Gloucester Green weekly market and the Covered Market are outside the scope of the street trading scheme.

## **7 Special Events**

- 7.1 For special events such as Christmas or Continental Street Markets, the Council will issue one consent to the person organising the event, rather than to each individual trader. This policy is aimed at promoting events and encouraging more traders to attend them.
- 7.2 For successful applications, we will issue a single consent, which will cover a number of traders.

## **8 Fees**

- 8.1 Fees will be set and reviewed annually on a full cost recovery basis. The level of fees applicable takes into account the location, the duration of the consent, trading hours, and the articles to be sold. Where trading ceases during the term of a consent, refunds will not be given for any outstanding period of less than 3 months. Details of the current fees can be found on the Council's website or on application to the licensing office. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid quarterly in advance.
- 8.2 The application annual consents should be accompanied by a non-refundable fee of £100. If the application is approved, the balance of the fee will be due before the consent is issued. If the application is not successful the fee will be retained to cover the cost incurred in processing the application.

## **9 Conditions**

- 9.1 The Council applies standard conditions to Street Trading Consents. There are four elements to the standard conditions:

- General conditions applicable to all consents
- Conditions for weekly let trading sites
- Additional conditions applicable to Hot and Cold Food
- Additional conditions applicable to Special Events

The standard conditions are not exhaustive and other conditions may be added to individual consents where appropriate.

- 9.2 Standard Trading Hours are:

- (a) Roadside locations for vehicles.

Daytime sale of Ice Cream from 10:00am to 6:00pm.

Evening sale of Hot Food from 6:30pm to 3:00am (can be extended to 4.00am Thursdays, Fridays, and Saturdays on application and subject to approval).

- (b) Pavement locations.

From 10:00am and 9:00pm.

- 9.3 Street trading can only be carried out from the stall or vehicle authorised under the conditions of the consent. Any changes to or replacement of the stall or vehicle must be approved by the Council.
- 9.4 The standard conditions applied to Street Trading Consents are attached to this policy as Annexe 2. This list is not exhaustive and other conditions may be added to the consent.

## **10 Enforcement**

- 10.1 The Council is committed to enforcing the provisions contained within the relevant legislation and to work in partnership with all enforcement agencies, to provide consistent enforcement on licensing issues.
- 10.2 The Licensing Team aims to work closely with other enforcement authorities when dealing with issues on the street.
- 10.3 Where licensable activities are conducted without the benefit of a licence, permit or consent the Council will look to gather evidence and take enforcement action as appropriate.
- 10.4 If the Council feels that there is an issue of public order or threat to public safety in any particular instance, it will call for assistance from Thames Valley Police.
- 10.5 The Council may call for assistance from the CCTV centre when dealing with such issues.
- 10.6 The Council will enforce the provisions of all appropriate legislation and will ask persons causing a nuisance to cease the activity that they are conducting and leave the area.

## **11 Contacts**

The street trading function is part of the Licensing and Development Division of the Environmental Development Service.

Our address is:

Street Trading  
Oxford City Council  
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10 St Ebbes Street  
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OX1 1PT

To ask about any street trading issue, first contact the Licensing Team 01865 252558, or visit our website: [www.oxford.gov.uk](http://www.oxford.gov.uk), or via email on [street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)

**Prohibited Streets within Oxford – November 2009**

No street trading of any form is allowed in the following streets.

Adelaide St	Clive Rd	Kenilworth Avenue	<i>Court Flats at 103/105 Oxford Rd)</i>	St Clements St
Alfred St	Cowley Place	Kybald St	Park End Place	<i>(between Dawson St and London Place)</i>
Alma Place	Cranham St	Leopold St	Park End St	St Cross Rd
Banbury Rd <i>(to junction with Bevington Rd)</i>	Crown St	Little Clarendon St	Parks Rd <i>(the south part up to Museum Rd)</i>	St John's St
Bartlemas Close	Divinity Rd	Littlehay Rd	Pembroke St	St Thomas St
Bartlemas Rd	East Avenue	Logic Lane	Pensons Gardens	Stockmore St
Bath St	Edmund Rd	London Place	Princes St	Temple St
Bear Lane	Frewin Court	Longwall St	Pullens Lane	The Clarendon Centre
Beaumont St	Friars Entry	Magdalen Rd	Pusey St	Walkways
Beckett St	George St Mews	Magdalen St	Queens Lane	The Covered Market
Belvedere Rd	Gipsy Lane	Magdalen St East	Radcliffe Square	The Plain
Bevington Rd	Glebe St	Magpie Lane	Randolph St	The Westgate Centre
Blackhall Rd	Gloucester St	Manor Place	Rectory Rd	Walkways
Blue Boar St	Grays Rd	Manor Rd	Red Lion Square	Tidmarsh Lane
Boulter St	Great Clarendon St	Mansfield Rd	Rewley Rd	Turl St
Brasenose Lane	Havelock Rd	Marston Rd	Richmond Rd	Tyndale Rd
Brookside	Headington Rd	Marston St	Savile Rd	Union St
Bullington Rd	Hendred St	Merton St	Ship St	Upper Fisher Row
Cardigan St	Hollybush Row	Morrell Avenue	Shoe Lane	Valentia Rd
Caroline St	Holywell St	Museum Rd	South Parks	Walton Crescent
Cave St	Hythe Bridge St	New College Lane	Southfield Rd	Walton St <i>(throughout its length)</i>
Chain Alley	Iffley Rd <i>(from The Plain to Circus St)</i>	Observatory St	St Bernard's Rd	Wellington Square
Chapel St	James St	Oriel St	St Clement's St <i>(from The Plain to Dawson St)</i>	Worcester Place
Cheney Lane	Jeune St	Osney Lane		Worcester St
Cherwell St	Jowett Walk	Oxford Rd <i>(from Swan PH to Marsh Rd incl service road to Temple</i>		York Place
Circus St	Juxon St			
Cleveland Drive	Keble Rd			



**Consent Streets within Oxford – November 2009**

Banbury Road (*service road on Western side at Summertown*)  
Bonn Square  
Broad Street  
Castle Street  
Catte Street  
Cornmarket Street  
Cowley Rd (*from The Plain to Howard St*)  
Cripsey Road (*junction with Botley Road*)  
Dawson Street  
George Street  
High Street  
King Edward Street  
London Road, Headington (*layby 69-77*)  
Magdalen Bridge  
Manzil Way  
Market Street  
New Inn Hall Street  
New Road  
Oriel Square  
Oxpens Road  
Pennyfarthing Place  
Pembroke Square  
Queen Street  
St Aldates  
St Ebbes Street  
St Giles  
St Michael's Street  
Woodstock Road (*from St Giles to junction with Bevington Road and St Bernard's Road*)

**Current Approved Street Trading Sites within Oxford – November 2009**

**ROADSIDE LOCATIONS FOR VEHICLES**

**Daytime sales of Ice Cream (10:00am – 6:00pm)**

1	High Street (restricted trading times)	outside Lincoln College Library	1 van
2	Pembroke Square	St Aldates End	1 van
3	St Giles	in the layby	1 van
			<b>TOTAL 3 VANS</b>

**Evening sites for the Sale of Hot Food (6:30pm and 3:00am following day, Monday to Sunday, except where otherwise stated).**

4	Banbury Road	outside No 263	1 van
5	Bonn Square	outside No 13a "Bank House"	1 van
6	Broad Street	outside No 17	1 van
7	Castle Street	East side layby	1 van
8	Cripley Road	junction with Botley Road	1 van
9	George Street	outside No 25	1 van
10	High Street	outside Lincoln College Library	1 van
11	High Street	outside University College	1 van
12	London Road	outside Nos 73/75	1 van
13	Pembroke Square	St Aldates end	1 van
14	Queen Street	outside Clarendon Centre	1 van
15	St Aldates	outside Christchurch	1 van
16	St Ebbes Street	outside No 32	1 van
17/18	St Giles	layby outside Taylorian Institute	2 vans
19	Woodstock Road	outside Radcliffe Infirmary	1 van
			<b>TOTAL 16 VANS</b>

**PAVEMENT LOCATIONS**

Trading is allowed only between the times of 10:00am and 9:00pm on any day of the week. Stalls must have a maximum dimension of 1 metre x 2 metres.

20	Bonn Square	outside Westgate Library	1 stall
21	Bonn Square	junction with New Inn Hall Street	1 stall
22	Catte Street	North end	1 stall
23	High Street	Outside Magdalen College	1 stall
24	High Street	junction with Queens Lane	1 stall
25	Pembroke Square	St Aldates end	1 stall
26	Pennyfarthing Place	Pennyfarthing Place	1 stall
27	Queen Street	outside New Look Fashions	1 stall
28	St Ebbes	outside British Home Stores	1 stall
29	St Giles	adjacent to Taxi Hut	1 stall
30	St Giles	outside no 65	1 stall
			<b>TOTAL 11 STALLS</b>

## **ANNEX 2**

### **Conditions applicable to Street Trading Consents**

1. No trading to which the attached consent relates shall take place except:  
Between the dates of:  
The operational hours shall be:  
Between the hours of ..... and ..... on Mondays  
Between the hours of ..... and ..... on Tuesdays  
Between the hours of ..... and ..... on Wednesdays  
Between the hours of ..... and ..... on Thursdays  
Between the hours of ..... and ..... on Fridays  
Between the hours of ..... and ..... on Saturdays  
Between the hours of ..... and ..... on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. The Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974, the Food Safety (General Food Hygiene) Regulations 1995. Advice on these requirements is available from the Environmental Health Department. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
6. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
7. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall/vehicle is kept clear of all refuse at all times.
8. Consent Holder's vehicle/stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business.
9. The Consent Holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate
10. The Consent Holder shall ensure that the stall/vehicle is positioned only in the marked out area of the Consent Street for which a Street Trading Consent is issued. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by a Council Officer or Police Officer they shall immediately comply with that request.

- 11 The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 3m x 2m. **(Kerbside Locations)**  
The Consent Holder's stall shall not exceed 2.3 metres in height nor occupy an area greater than 2m x 2m **(Pavement Locations)**
- 12 The Consent Holder must take adequate precautions to prevent the risk of fire at the stall or vehicle. All hot food vans/trailers are required to comply with current legislation on fire safety. Where gas cylinders are used an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment. A serviceable fire blanket and a foam fire extinguisher shall be provided in all vehicles selling hot food.
- 13 All hot food vans/trailers are required to carry a basic first aid kit. The Consent Holder and others operators should know how to give first aid to treat victims of burns and cuts. All hot food vans should have access to a minimum of one mobile phone that must be serviceable at all times.
- 14 A Street Trading Consent cannot be transferred or sold to another person. It is prohibited. It is only transferable to a direct member of the consent holder's family in the event of the consent holder's death. The sub letting of a pitch is prohibited. The Consent holder must be the principal operator of the stall and must be physically present at that stall/vehicle the majority of the time. Occasional help is permissible with prior approval of the City Council. A Consent Holder may terminate Consent by written notice to the Council. A refund of the fee will be payable on a pro rata basis and the Council may retain £50 of the fee to cover administrative costs.
- 15 Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
- 16 A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
- 17 Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the City Environmental Health Officer before the Street Trading Consent is issued. Proof of cover must be produced to an officer of Oxford City Council as required.
- 18 Anyone who operates a stall/vehicle other than the Consent holder must first be authorised to do so by Oxford City Council.
- 19 These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed Special Conditions and listed on the Consent Certificate. These Special Conditions must also be complied with.
- 20 Instalments are required quarterly, in advance. On or before the following dates 1<sup>st</sup> April, 1<sup>st</sup> July, 1<sup>st</sup> October and 2<sup>nd</sup> January. Annual fees may be paid in advance.

#### **Failure to comply with these conditions**

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

## **General Conditions for Weekly Street Trading Consents.**

1. No trading to which the attached consent relates shall take place except:  
Between the dates of:  
The operational hours shall be:  
Between the hours of ..... and ..... on Mondays  
Between the hours of ..... and ..... on Tuesdays  
Between the hours of ..... and ..... on Wednesdays  
Between the hours of ..... and ..... on Thursdays  
Between the hours of ..... and ..... on Fridays  
Between the hours of ..... and ..... on Saturdays  
Between the hours of ..... and ..... on Sundays
3. The street trading consent relates to the following area/site only:
4. The street trading consent relates to the following vehicle/stall only:
5. Consent Holder shall comply with all statutes, statutory instruments and byelaws currently in force. Consent Holders must pay particular attention to the requirements of the Health & Safety at Work Act, 1974. Advice on these requirements is available from the Street Trading Officer, Oxford City Council 01865 25 2558. The Consent Holder shall not drive or park a vehicle on any part of a footway. (It is an offence to drive other than on a road)
6. The Consent Holder shall not be the cause of any nuisance or annoyance to any other user of the highway, the occupier of any land or building or the Oxford City Council. Consent Holders shall have special regard to and must take positive action to prevent excessive noise.
7. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of waste originating from their trade in a certain manner. The Consent holder shall ensure refuse originating from their trade is disposed of by a licensed waste carrier and shall leave the site clear of refuse at the completion of trading. No water or waste material shall be discharged on to the highway or any adjacent property. The Consent Holder shall ensure that the area in the vicinity of the stall is kept clear of all refuse at all times.
8. Consent Holder's stall shall be kept in a clean, safe and well maintained condition and be of a presentable appearance. The Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall so that members of the public can clearly see it during hours of business. The stall must be on wheels to enable it to be moved easily.
9. The Consent Holder shall ensure that the stall is positioned only in the marked out area of the Consent Street for which a Street Trading Consent is issued. If a Consent Holder or operator/assistant is requested to move the vehicle/stall by a Council Officer or Police Officer they shall immediately comply with that request.
10. The Consent Holder's stall shall not exceed 2 metres in height nor occupy an area greater than 2m x 1m

- 11 The Consent Holder must take adequate precautions to prevent the risk of fire at the stall. The use of any portable gas powered equipment is prohibited. The use of generators powered by internal combustion or compression ignition engines is also prohibited.
- 12 All Consent Holders shall take such precautions as necessary to ensure the safety of the public and themselves when carrying out their business. It is advisable to carry out a simple risk assessment to assess any possible risks and take steps to mitigate or eliminate the identified risk. It may be something as simple as a poorly assembled stall or something placed by the stall that someone may trip over. It is advisable to have in your possession a basic first aid kit and one serviceable mobile phone if the emergency services need to be contacted quickly.
- 13 The Consent holder must be the principal operator of the stall and must be physically present at that stall the majority of the time. Occasional help is permissible with prior approval of the City Council.
- 14 Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
- 15 A copy of the Consent shall be carried by the operator when trading and must be produced on demand to a Council Officer or Police Officer.
- 16 Consent Holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum insurance cover shall be £10,000,000 and shall cover the operator's vehicle, or stall and any additional equipment under their control. Proof of cover must be produced to an officer of Oxford City Council as required.
- 17 Anyone who operates a stall other than the Consent holder must first be authorised to do so by Oxford City Council.
- 18 These general conditions, which apply to all Street Trading in Oxford, may be varied, having regard to a particular location. They are termed **Special Conditions** and listed on the Consent Certificate. These Special Conditions must also be complied with. The sale of food and/or drink is not permitted and due to the special nature of these pitches the applicant for a weekly consent must agree the items to be sold before a consent can be issued.
- 19 Fees must be paid two weeks in advance before trading commences. This is to allow sufficient time to process the application and receive the consent. It must be in your possession **before** you can trade.

#### **Failure to comply with these conditions**

If a Consent Holder fails to comply with any of the conditions attached to a Street Trading Consent, the Consent may be suspended for an indefinite period or revoked. The Consent Holder may also be prosecuted.

**ADDITIONAL CONDITIONS APPLICABLE TO SPECIAL EVENTS/MARKETS.**

1. All stalls to be issued with a number that must be displayed on the stall.
2. The consent holder should keep records of each stallholder present on the market, to include the stallholder's pitch number, name and company name, their address, vehicle registration and a contact telephone number. This must be produced on request to an authorised officer.

## Comments sheet

Oxford City Council's "Street Trading Consultation"

Please return your comments by 4 January 2010

to: "Street Trading", Oxford City Council, FREEPOST, PO Box 10, OXFORD OX1 1BR

or email to: [street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)

From Name:

Contact details:

Organisation / business: (if applicable)

Issue	Your Comments
1. Draft Street Trading Policy	



Issue	Your Comments
<p><b>2. Whether greater controls should be in place over the space occupied by individual street trading pitches and the appearance of stalls so that they are of uniform look and quality.</b></p>	
<p><b>3. Whether there is a need for more enforcement of street trading legislation.</b></p>	
<p><b>4. Whether there should be more or less street trading in the City</b></p>	
<p><b>5. The principle of changing the designation of streets in all or part of the City centre to consent streets</b></p>	
<p><b>6. The principle of a new approach for street trading in the northern part of St. Ebbes Street</b></p>	
<p><b>Any other comments</b></p>	

Please continue on another sheet if you wish.

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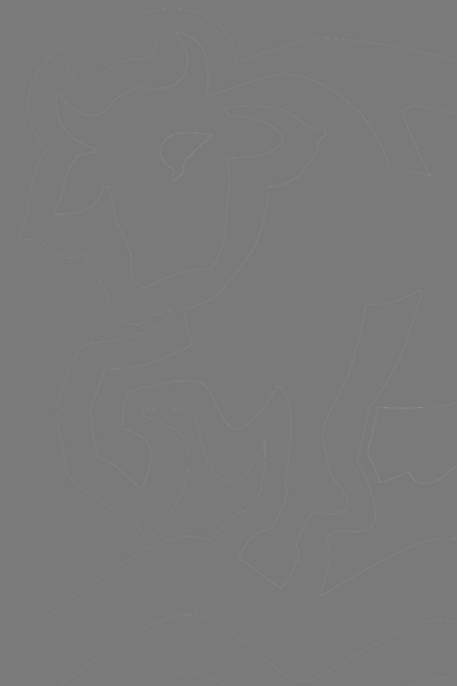


**OXFORD  
CITY  
COUNCIL**

## Consultation

### Changes to Street Trading Scheme and Street Trading Policy

Consultation closes 4<sup>th</sup> January 2010



#### **Environmental Development**

Ramsay House, 10 St Ebbes Street, Oxford. OX1 1PT

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**[street\\_trading@oxford.gov.uk](mailto:street_trading@oxford.gov.uk)**