



SURREY HEATH BOROUGH COUNCIL

SURREY HEATH BOROUGH COUNCIL STREET TRADING POLICY

(Feb 2023)





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I Purpose of the Policy

This document sets out the Surrey Heath Borough Council Policy on Street Trading, (‘the ‘Policy’) and takes effect 1 April 2023. The Policy details the arrangements for the management of street trading in Surrey Heath and enables the Council to regulate the location and number of street traders operating in the Borough.

The Council recognises the importance of mobile street trading businesses to the local economy and the character of the area and will endeavour to ensure that the activities do not cause nuisance or disturbance to the people in the area. The framework and its associated conditions aim to ensure local businesses and communities are not adversely affected by street trading and to prevent the obstruction of the streets and minimise any risk to the public or harm to the environment caused by street trading activities.

The Policy will be referred to when determining applications for Street Trading Consent and applicants are encouraged to consider the Policy as part of the application process.

Surrey Heath will endeavour to work with other agencies and stakeholders to ensure their views are considered as part of any street trading application.

Each application for grant or renewal of a street trading consent will be considered on its individual merits, and the Council may impose such conditions as deemed appropriate including to prevent obstruction of the street or danger to persons using it or prevent nuisance or annoyance (whether to persons using the street or otherwise).



2 Consultation on the Policy

The Council has consulted the following and taken into account their relevant views:

- Surrey Police – Road Safety and Traffic Management
- Surrey County Council Highways
- Surrey Fire and Rescue Service
- Licensing Committee
- Surrey Heath BC Members
- Parish Councils
- Villages Working Group
- Business Improvement District - Collectively Camberley
- Management of The Atrium and The Square
- Local Business Groups
- Local businesses via the Council's electronic newsletter
- Local Resident Groups
- All current street traders operating in the Borough
- Relevant Services within the Council including Environmental Health and Licensing, Investment and Development, Corporate Enforcement, Recreation and Leisure and Planning.
- The general public by use of the Council's consultation webpage and social media.

3 Review of the Policy

The Policy will be kept under review and updated to reflect any material changes that may occur. Minor changes will be agreed by the Strategic Director Environment and Community in consultation with the Chair of the Licensing Committee. Where amendments are considered significant, they will be brought to the Licensing Committee.



4 Legislation and Street Trading in Surrey Heath

4.1 Legal Framework

The Council in 1992 resolved that Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 should apply to its area. Under Schedule 4 the Act the Council can manage street trading by designating streets as ‘consent 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:

1. Trading as a pedlar under the authority of a pedlar’s certificate granted under the Pedlars Act 1871.
2. Any trade in a market or fair, the right to hold which having been obtained by a grant, enactment or order.
3. Trading as a news vendor.
4. Trading at or adjoining a shop premises as part of the business of the shop.
5. 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.’ The Council resolution also includes areas for a distance of up to 50 meters from the centre of the street as being within scope for street trading controls.

4.1.1 Consent Street

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 and is any street in the Borough that is not designated a prohibited street. All forecourts, footways and other areas adjacent to Consent Streets that are open as a matter of fact to the



public without payment , for a distance of 50 metres from the centre of these streets are also designated as consent streets.

4.1.2 Prohibited Street

A **prohibited street** is a street where no street trading may take place at all. However all forecourts, car parks and other areas adjacent to Prohibited Streets that are open as a matter of fact to the public without payment, for a distance of 50 meters from the centre of these streets that are not public highway are designated as Consent Streets. This enables street trading to take place with the consent of the Council in those areas adjacent to prohibited streets, where street trading could enhance an area and can take place without detrimental effect.

Roads in Surrey Heath which have been designated as prohibited streets are listed in Annex I. This list will be kept under review and the necessary resolution sought to amend as necessary. Nothing within this Policy will allow street trading to occur on prohibited streets.

4.1.3 Town Centre Locations

Locations within the defined Camberley town centre area where street trading has been deemed to be suitable following consultation with Collectively Camberley, subject to obtaining the necessary street trading consent, are detailed in Annex II and Annex III. These locations will be kept under review by the Council and be updated as necessary. Applications for other sites in the town centre will be considered on their merits.

4.2 Types of Street Trading Consent

The types of street trading consent available are as follows:

- I. Permanent Trading
 - a. 4 days or more for 12 month period :



- i. Takeaway Food (food prepared/served onsite ready for immediate consumption)
 - ii. Ice Cream vehicles/unit
 - iii. Fruit and Veg
 - iv. Other Traders
- b. 1 day per week for 12 month period (any category of trader)
- c. Camberley Town Centre for 12 month period - markets/events 37 days a year (to include 25 markets and 12 events)

2. Ad hoc Trading

- a. Daily
- b. Weekly
- c. Monthly
- d. Market/special event one day - up to 20 stalls/ 20 stalls and over

Permanent consents are normally issued for a period of one year, but applications for less than a year or for a specified trial period may be granted depending on individual circumstances e.g. to determine the trading viability of a site or where potential concerns have been raised by a consultee. Fees will be pro-rated accordingly.

4.3 Markets/ Special Events

For markets/special events held on the highway for a limited time, the Council will accept one application (and associated fee) from the person organising the event, however details of the street trading that will be taking place will be required on application. Traders granted town centre consents will be made aware of any special street trading arrangements in place with regard to Business Improvement District town centre events and they will be provided with relevant contact details, so they can discuss any trading opportunities that may be available to them at those events.



The requirement for street trading consent and the associated fees for stalls at charitable or small community events may be reduced, at discretion of the Strategic Director Environment and Community. Street trading is considered to be for charity benefit if the profits from individual stalls are donated to a registered charity and proof can be evidenced on request. Examples of such events are Street Parties, Festival and Sports Days, Community Fun/Activity Days, Charity Events, Parades. Any traders attending for solely commercial gain would be subject to street trading controls.

4.4 Other relevant regulatory requirements

Pavement Licences - the licensing of the placement of tables and chairs on pavements is administered by the Council under the Business and Planning Act 2020. See [Pavement Licences](#).

Late Night Refreshment - traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will require the relevant licence under the Licensing Act 2003. See [Late Night Refreshment Licence](#)

Planning permission may be required depending on the location and number of days that trading takes place. See [Development Planning Advice](#).

5 Street Trading Consent Applications

5.1 New Applications

Applications for a new street trading consent must be submitted where possible to the Council online and the following must be included:

- A completed/ signed application form and the relevant fee.
- A passport style photo of the applicant where a sole trader.
- A map showing the precise location of the proposed site.
- Electronic colour image of the unit that will be used for the street trading activity.
- Dimensions of the unit in metres (length, height, width).
- A certificate of Public Liability Insurance for a minimum value of £5 million.



- If handling open food, a copy of the current Level 2 Award in Food Safety in Catering certificate for all food handlers working on the unit should be provided if available.
- Proof of a valid Waste Transfer Contract in place for commercial waste where applicable.
- Current valid gas safety certificate for the unit if applicable.

The Council cannot issue a consent if the applicant is under 17 years of age.

5.1.1 Consultees

Before a Street Trading Consent is granted or refused the Council will consult the following on the application:

- Surrey County Council (SCC) Highways
- Surrey Police – Road Safety and Traffic Management
- Surrey Fire and Rescue
- Ward Councillors
- Parish Council
- Planning
- Environmental Health and Licensing
- Investment and Development
- Business Improvement District - Collectively Camberley (town centre applications)

A public notice will be displayed by the Council close to where the street trading is proposed and/or the Council may consult local businesses/residents in the area where relevant in writing. All applications received will be publicised on the Council's website.

Any written representations received within the 21-day consultation period will be considered when determining the application and where objections are received the applicant will be given the opportunity to make any relevant submissions regarding the objection.



5.1.2 Determination of applications

The Strategic Director Environment and Community has delegated authority to determine street trading consent applications and the criteria listed below and any consultee representations will be taken into consideration. Each application will be assessed on its merits and individual circumstances.

In considering applications for the grant or renewal of a consent the following criteria will be considered:

- **Public Safety**
Whether the street trading activity represents, or is likely to represent, a substantial risk to the public. Factors taken into account will include obstruction/trip hazard, fire hazard, gas & electrical safety and risks that may occur when a trader is accessing/exiting the site.

- **Highway Safety**
Whether the street trading activity represents, or is likely to represent a risk to road safety as follows:
 - ◆ there is interference with sight lines for any road users (vehicles and pedestrians) from the trader's location or from customers visiting/leaving the site
 - ◆ there is a conflict with Traffic Orders such as waiting restrictions
 - ◆ the trader obstructs the safe passage of users of the footway or carriageway.
 - ◆ there are inadequate public parking available to allow traders and customers to park without obstructing local business and residents access.

The location and operating times will be such that the highway can be maintained in accordance with the SCC requirements and that there are no dangers to those



who have a right to use the highway and present no obstruction for emergency access. The trader must relinquish the right to trade when required by SCC or other relevant body or organisation in order to allow maintenance or repair to occur.

- **Public Order**
Whether the street trading activity represents, or is likely to represent, a risk to public order. Traders will need to conduct themselves in a professional manner and to take reasonable measures to deter disorder associated with the trading activity.
- **The Avoidance of Public Nuisance**
Whether the street trading activity represents, or is likely to represent, a substantial risk of nuisance or disturbance to the public from noise, waste, litter and/or odour particularly in residential areas.
- **Appearance of the Unit**
The unit must be of smart appearance and not detract from the appearance of the surrounding area. It must meet the criteria in the standard consent conditions and be maintained in a good condition. Photographs, including dimensions, must be provided with all new applications and requests for approval of any changes to, or replacement of, a vehicle or unit.
- **Needs of the Area**
The demand for the articles for sale and proximity of the proposed site in relation to traders selling similar goods.
- **Food Safety**
Food trader applicants must be able to demonstrate a good understanding of food safety. They must be registered as a food business with the relevant local authority. As a minimum, open food handlers should hold a current Level 2 Award in Food Safety in Catering or equivalent from an accredited



training provider. It is recommended for all staff working from the site to have their food hygiene training renewed every 3 years. Traders with a Food Hygiene rating scheme of less than 3 (Satisfactory) will not be granted a street trading consent. Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant with the highest Food Hygiene Rating Scheme award is likely to be selected.

- **Healthy Eating Choices.**

Traders are encouraged to consider offering healthy eating choices that satisfy the requirements of Eat Out Eat Well – healthy eating scheme. The scheme aims to encourage food businesses to provide healthier options to customers, through the use of healthier catering practices, increasing fruit, vegetables, and starchy carbohydrates, and decreasing fat, especially saturated fat, sugar and salt. It also recognises provision of healthy options for children and rewards staff training and promotion and marketing of healthier options.

Where more than one trader is seeking to operate from the same location and all other criteria has been met- the applicant that demonstrates the highest compliance with the Eat Out Eat Well award is likely to be selected. See the [Eat Out Eat Well website](#) (external website).

To restrict the availability of potentially unhealthy food choices to under 18s, traders applying to supply of hot or cold food and drinks or confectionery between 07:30 and 18:00 within 400m of the boundary of a school or college is unlikely to be approved.

- **Environmental Impacts**

The impact of the proposed operation on the environment will be considered and the carbon footprint of the proposed activity with regard to power supply, supply chain, waste minimisation and waste disposal will be taken into consideration.



Where more than one trader is seeking to operate from the same pitch, and all other criteria has been met, the applicant that can demonstrate the lowest environmental impact is likely to be selected.

5.1.3 Conditions

The Council applies standard conditions to Street Trading Consents and these are attached to this Policy as Annex IV. The standard conditions are not exhaustive and other conditions may be added to individual consents where appropriate. Additional conditions applicable to Special Events may also be added where appropriate.

Street trading can only be carried out from the unit authorised on the consent. Any changes to or replacement of the unit must be approved by the Council by means of variation request for which a variation fee payable.

Applicants are advised to read carefully the conditions for consent as the Council may revoke, vary or refuse to renew this licence if the conditions are breached. Any contravention of the conditions specified may result in prosecution.

5.2 Renewal Applications

Street Trading Consents are renewed annually and a renewal application should be made to the Council at least 6 weeks before the renewal date by submitting an online application accompanied by the appropriate fee. If a renewal application is not made before the expiry of the current licence a full 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 consent is granted.

Consultation as for new applications, will be carried out for renewal applications and any representations received within 21 days taken into account in the decision to renew the consent.



Where a renewal application has been made and there have been no justifiable complaints or enforcement issues and all fees have been paid on time, the consent is likely to be renewed. There is no automatic right to renewal. If there have been significant complaints, enforcement has been necessary or there are fees have not been paid on time, then the application may be refused.

5.3 Transfer Applications

A street trading consent cannot be transferred or sold to another person, however the consent may be transferred to a member of the consent holder's immediate family, (spouse, adult child, parent sibling) in the event of the consent holder's death or incapacity on payment of a variation fee.

The subletting of a pitch is prohibited. Where sub-letting is identified, the consent will be withdrawn from the holder. No right to claim a refund for the period remaining on the consent will be accepted.

5.4 Application Refusal/Consent Revocation

There is no right of appeal against refusal to grant, renew or revoke a consent, but reasons will be given for the decision in writing.

The Council's complaints procedure is available to the unsuccessful applicant if they are unhappy with how their application has been determined – see [complaints and compliments](#).

6 Fees

Fees will be set and reviewed annually. Details of the current fees can be found on the Council's website.



Applications for annual consents must be accompanied by the correct fee. The fee consists of two parts. Part 1 a non-refundable application fee and Part 2 the issuing fee for the licence. The application fee must be paid before the application is considered. If the application is successful, the issue fee (Part 2) will be required to be paid before the consent is issued.

A fee is payable if the consent holder wishes to vary the consent or its conditions or requires a replacement copy of the consent and conditions.

Consents run for a year from the date the consent is granted. For applications received part way through the year the fee will be pro-rated based on the number of months the consent will be valid. Fees for consents for a trial period will be pro-rated accordingly.

Where trading ceases during the term of the consent, refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.

7 Enforcement

The Council will carry out periodic inspections of street trading activity to check compliance with consent conditions and to identify any unauthorised trading. Any complaints received regarding street trading in the Borough will be investigated.

Where activities are conducted without the benefit of a consent or where conditions are breached, the Council will look to gather evidence and take enforcement action as appropriate in accordance with the Council's Enforcement Policy.

Failure to comply with one or more consent conditions may lead to revocation or non-renewal of the consent. Where revocation occurs in such circumstances no refund will be payable.





Annex I – List of Prohibited Streets (April 2023)

Pursuant to the Local Government (Miscellaneous Provisions) Act 1982, the Council designates as prohibited streets, those streets listed below, including all, roads, footways, and areas open as a matter of fact to the public without payment within a distance of 50 metres from the centre of those streets *which are part of the public highway*.

Street Name	Ward(s)
A322	Bagshot, Lightwater, West End, Bisley
Albert Road	Town
Bagshot Road (A319)	Chobham, West End
Beaumaris Parade	Frimley Green
Blackwater Valley Road (A331)	St Michaels, Watchetts, Frimley
Cedar Lane – including unsurfaced section	Frimley
Charles Street	St Michaels
Chertsey Road (A319)	Chobham
Church Hill	St Pauls
Church Road	Frimley
Coleford Bridge Road	Mytchett & Deepcut
Crawley Hill	St Pauls
Crawley Ridge	St Pauls
Cross Lane	Frimley Green
Cumberland Road	Heatherside
Deepcut Bridge Road	Mytchett & Deepcut
Edgemoor Road	Heatherside
Frimley By-pass (A325)	Frimley
Frimley Road	St Michaels, Frimley, Watchetts
Frimley Green Road	Frimley, Frimley Green
Gosden Road	West End
Grand Avenue	St Michaels
Grove Cross Road	Frimley
Hamesmoor Road	Mytchett & Deepcut
Heathcote Road	Town
High Street	West End
Knoll Road	Town
London Road (A30)	St Michaels, Town, Old Dean, St Pauls, Bagshot, Windlesham
Lower Charles Street	St Michaels

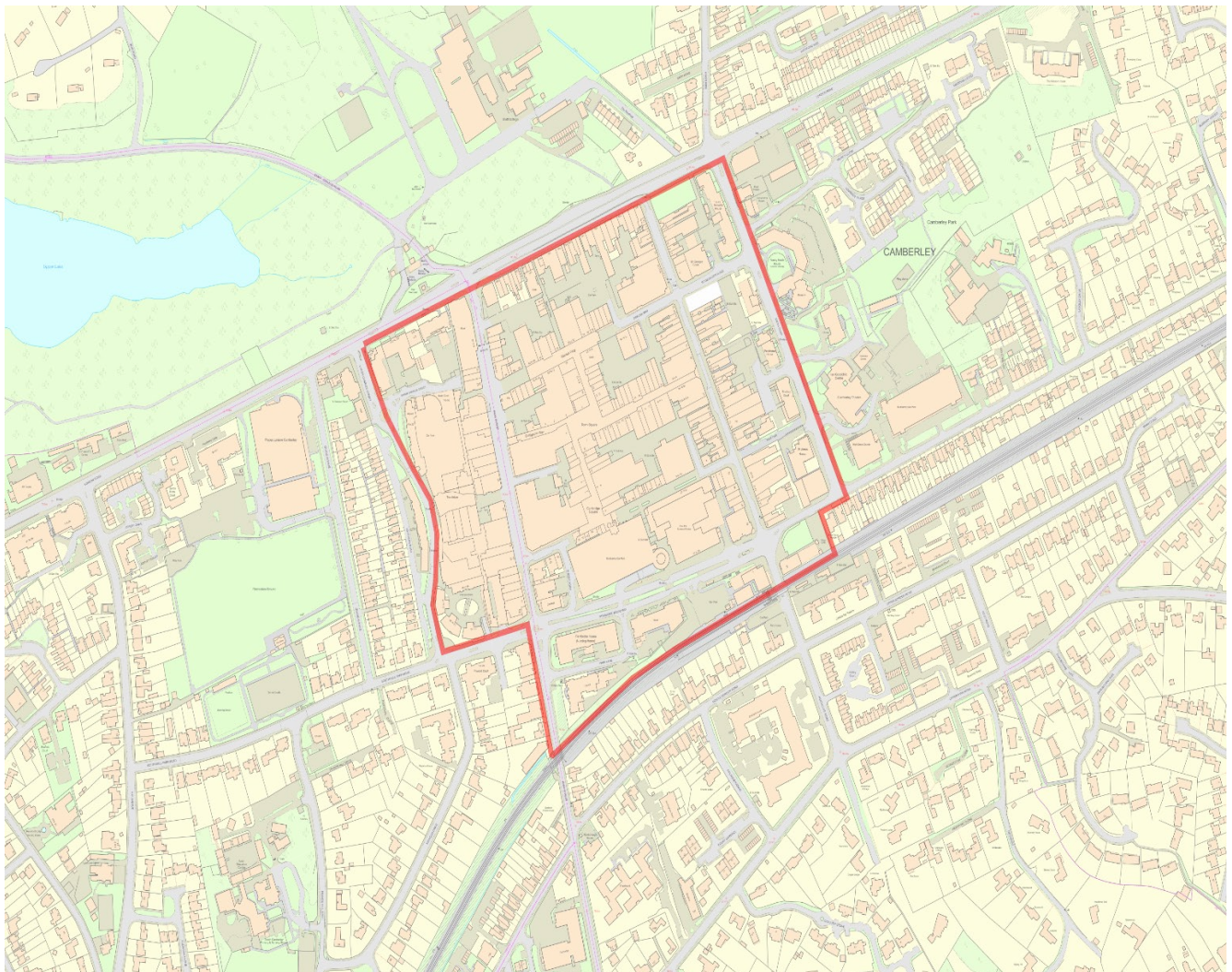


Lyon Way	Frimley
Martindale Avenue	Heatherside
Maultway North	Old Dean
Mytchett Road	Mytchett & Deepcut
Obelisk Way	Town
Park Road	Town, Watchetts
Park Street (to the south of Pembroke Broadway only)	St Michaels, Town, Watchetts
Pembroke Broadway	Town
Portesbery Road (between its junctions with Knoll Road and the High Street)	Town
Portsmouth Road (A325)	St Pauls, Frimley, Parkside
Princess Way (from the west of the Mall Shopping Centre to its junction with Park Street, but excluding the 6M of pavement outside the entrance doors to the Mall.)	Town
The Green	Frimley Green
The Maultway	St Pauls, Heatherside
The Parade – Frimley High Street	Frimley
Red Road (B311)	Lightwater, Heatherside
St Georges Road	Town
Southern Road	St Michaels
Southwell Park Road between Park Street and Grand Avenue	St Michaels
Sturt Road	Frimley Green, Mytchett & Deepcut
Swift Lane	Bagshot
Updown Hill (B386)	Windlesham
Upper Charles Street	St Michaels
Upper Park Road	Town, St Pauls
Wharf Road	Frimley Green



Annex II Camberley Town Centre Area

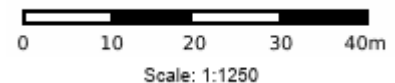
Area within the red box is the defined Camberley Town Centre area for street trading purposes. This covers the area between the A30 to the north, Knoll Road to the east, the railway line to the south and Park Street/Charles Street to the west.



0 20 40 60 80m
Scale: 1:5000

Annex III Sites within the Camberley Town Centre where Street Trading is deemed suitable

Six suitable sites are shown on the map by red dots and labelled from site 1 to 6.



Site Descriptions

- Site 1: Princess Way – adjacent to the entrance to The Square
- Site 2: Park Street – on the corner with Princess Way
- Site 3: Park Street – outside No.45-54
- Site 4: Sparvell Way – adjacent to the entrance to The Square
- Site 5: Knoll Walk
- Site 6: Knoll Walk



Annex IV - General Conditions for Annual Street Trading Consents

This list is not exhaustive and other conditions may be added to the Street Trading Consent ('the consent') having regard to the particular circumstances

1. A copy of the consent bearing the name of the holder shall be displayed conspicuously on the unit/vehicle so that members of the public can clearly see it during hours of business. The original consent must be produced on demand to a Council Officer or Police Officer.
2. The consent holder should be the principal operator and have day to day control of the unit /vehicle and conduct their business in a professional manner and in a way that minimises risks to others. Any employee who operates the unit/vehicle other than the consent holder must be aware of the street trading conditions issued as part of the consent and ensure that they are complied with. Failure to do so may lead to the consent being revoked.
3. A consent cannot be transferred or sold to another person, unless that person is a member of the holder's immediate family in the event of the holder's death or incapacity on payment of a variation fee. The subletting of a pitch is prohibited.
4. The holder may terminate the consent by written notice to the Council. The Council will retain the Part 1 application fee administrative costs. Refunds will not be given for any outstanding period of less than 3 months, greater than 3 months refunds will be calculated on a pro-rata per calendar month basis.
5. No street trading shall take place except between the dates and times specified on the consent.
6. The consent relates only to the location specified on the consent and the holder shall ensure that the unit/vehicle is positioned only in the allocated space for which the consent is issued. All goods shall be displayed on the unit/vehicle and no freestanding racks or displays are permitted.
7. Consent holders shall ensure that disabled people and wheelchair users can be adequately served. This may involve serving persons from outside the vehicle.
8. The consent relates only to the unit/vehicle specified on the consent. Any significant changes to or replacement of the unit/vehicle must be approved by the Council and may incur a variation fee.
9. The consent holder's unit/vehicle shall be kept in a clean, safe and well-maintained condition and be of a presentable appearance.



10. The consent holder's vehicle shall be maintained in a roadworthy condition, taxed, insured and with a current MOT Certificate, (if applicable).
11. If a trailer (and not a motorised vehicle), is parked on the highway, it must be road worthy and be in a suitable condition to be moved at any time.
12. The unit/vehicles must not obstruct the safe passage of users of the footway/carriage way, including sightlines and vehicle movements must be carried out legally and not present a risk to people and structures.
13. Any advertising must not cause obstruction or danger to road users and illuminated signage that could be confused with traffic lights/other authorised signals or result in glare, dazzle or distraction of road users is prohibited.
14. If a consent holder or operator/assistant is requested to move the unit/vehicle by an authorised Council Officer or Police Officer, they shall immediately comply with the request.
15. Consent holders shall have and maintain an insurance policy to the satisfaction of the Council and proof of cover must be produced on request.
16. The consent holder shall comply with all statutes, statutory instruments and byelaws currently in force. Holders must pay particular attention to the requirements of the Health & Safety at Work etc. Act, 1974, the Food Safety Act 1990 and all subsequent regulations including the Food Safety and Hygiene (England) Regulations 2013. Advice on these requirements is available from the Food and Safety Team.
17. All food businesses must be registered as a food business with the local authority where the unit/stall is kept overnight and be able to demonstrate registration, e.g. by written confirmation from the relevant local authority if outside Surrey Heath or by providing a copy of the latest inspection letter or report. Any changes in registration details must be notified to the relevant local authority.
18. Traders handling open high-risk food must have adequate hand washing facilities that include a supply of running water.
19. All handlers of open high risk should hold a current Level 2 Award in Food Safety in Catering accredited by a recognised training body or equivalent.
20. All food businesses must achieve and maintain at least a Food Hygiene Rating of '3 – Generally Satisfactory'. The Rating must be displayed prominently on the stall/vehicle. Where a rating below 3 is obtained, the operator has 3 months to obtain a re-rating of 3 or above. If after 3 months an improvement to 3 or above rating has not occurred, then the business should immediately cease trading until satisfactory remedies have been put in place to the satisfaction of the Council.



21. Where participation in the Eat Out Eat Well- healthy eating scheme, formed part of the application submission, then the operator must ensure it continues to satisfy the requirements of the scheme for the duration for the consent has been issued.
22. The consent holder must take reasonable precautions to prevent the risk of fire.
23. Reasonable steps must be taken to ensure gas safety where gas appliances are in use. Appliances must be maintained and serviced as per manufacturer's instructions and appliances and systems must be checked for safety by a competent Gas Safe engineer qualified to inspect catering LPG appliances at least annually. Any faults or concerns must be appropriately investigated and made safe by a competent Gas Safe engineer before use.
24. All hot food vans/trailers are required to carry an appropriate first aid kit for the activities that are to be undertaken and have the means to contact the emergency services if necessary.
25. The consent holder shall not be the cause of any nuisance or disturbance to any other user of the highway, the occupier of any land or building or the Council. Consent holders shall have special regard to, and must take action to prevent, excessive noise and odour. Generators in particular need to be properly sited, sound proofed and ventilated so as not to cause disturbance and traders must not use loudspeakers/play loud music.
26. The Environmental Protection Act 1990 places a duty of care on businesses to dispose of their trade waste in an appropriate manner. Trade waste must be stored appropriately and be disposed of by a licensed waste carrier. No water or waste material shall be discharged on to the highway or any adjacent property. Proof of waste transfers certificates must be made available to an authorised officer on request, and without undue delay.
27. The consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use, and litter picking any litter from the site, associated with the business activity.
28. The street surface must be left in a clean condition after trading and the trader will be liable for any permanent damage/discoloration of the surface.
29. For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials, with the items being recycled rather than entering mixed waste.

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 stall holder present on the market, to include the stall holder's pitch number, name and company name, their address, vehicle registration, brief description of products offered and a contact telephone number. This must be produced on request to the Council.

