

# Licensing Committee



Date of meeting:	07 December 2021
Title of Report:	<b>Annual Street Trading Report</b>
Lead Member:	Councillor Nick Kelly (Leader)
Lead Strategic Director:	Anthony Payne (Strategic Director for Place)
Author:	Emily Bullimore
Contact Email:	Emily.bullimore@plymouth.gov.uk
Your Reference:	Street Trading 2022
Key Decision:	No
Confidentiality:	Part I - Official

## Purpose of Report

This report seeks to set the process for the issuing and terms and conditions of Street Trading consents for the 2022/2023 trading year.

## Recommendations and Reasons

1. The Consent dates for 2022 / 2023 are approved as 1 April 2022 – 31 March 2023.
2. The Consent fees for 2022 / 2023, set out in Appendix A, are approved.
3. The Service Director for Economic Development has delegated authority to approve, within Committee policy, the issuing of Consents to existing city centre traders seeking to continue trading.
4. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for city centre sites in consultation with the chair of the licensing committee and lead opposition member.
5. The Service Director for Economic Development has delegated authority to approve within Committee policy short-term street trading consents in association with other city centre events and commercial activity.
6. The Service Director for Economic Development has delegated authority to approve and set fees for ad hoc street trading applications, within Committee policy.
7. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing ice cream traders seeking to continue trading.
8. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to new traders or contested sites for vacant ice cream sites in consultation with the chair of the licensing committee and lead opposition member.
9. The Service Director for Economic Development has delegated authority to approve within Committee policy the issuing of Consents to existing Hoe and Madeira Road Waterfront trading sites seeking to continue trading.

10. For Hoe and Madeira Road Waterfront trading sites the licensing committee delegate approval to the licensing sub-committee for all new applications.
11. To approve the proposal for ice cream consent holders to also serve hot drinks / snacks from mobile ice cream vehicles. The decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of Licensing and lead opposition member.

### **Alternative options considered and rejected**

The authority to renew annual Consents and set Consent fees by referral to the Licensing Committee for approval. This would take up Committee time on routine renewals and due to Committee timetables would slow down renewal process which could result in a loss of income.

### **Relevance to the Corporate Plan and/or the Plymouth Plan**

This report links to the delivery of the corporate priorities defined in the Corporate Plan. In particular: A Growing City contributes by supporting local businesses and benefiting as many people as possible within the Waterfront and City Centre areas. Street Trading is also fair and treats everyone with respect to champion fairness and create opportunities.

### **Implications for the Medium Term Financial Plan and Resource Implications:**

Street Trading is operated under the Local Government (Miscellaneous Provisions) Act 1982. The Council's policy is to administer street trading as a trading account and to finance all expenditure from the Consent fees. All activities including enforcement, administration, parking costs, business rates and improvements are all financed from the Street Trading account. Progress now needs to be made to generate applications and issue Consents to maintain this income stream for the 2022 / 2023 financial year.

Consent fees for both City Centre and Ice Cream sites were not increased for the period 2021/2022 due to the impact of COVID 19 on the high street / footfall and street traders.

For 2022/2023 a 0% increase in street trading consent fees is recommended for city centre street trading pitches for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C.

For 2022 / 2023 a restructure of the street trading consent fees for ice cream trading pitches is recommended for the reasons set out in paragraph 3.2 of the report and can be seen in Appendix C.

### **Financial Risks**


The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the consent fees. The council cannot, however, budget to make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

### **Carbon Footprint (Environmental) Implications:**

None.



**Sign off:**

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Originating Senior Leadership Team member: David Draffan											
Please confirm the Strategic Director(s) has agreed the report? Yes Date agreed: 22/11/2021											
Cabinet Member approval: <i>[electronic signature (or typed name and statement of 'approved by email/verbally')]</i>  Date approved: 23/11/2021											

**1.0 Introduction**

1.1 The Council operates a scheme under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the control of Street Trading in the City Centre, the Hoe and Barbican areas.

1.2 Under the scheme certain streets have been designated 'Prohibited Streets' where Street Trading (with limited exceptions such as news vendors) is totally prohibited and other 'Consent Streets' where Street Trading is permitted only with the consent of the Council. Within the designated areas the monitoring and enforcement of the Terms and Conditions of Street Trading licenses and the prevention of unauthorised Street Trading is undertaken by enforcement staff, funded in part from the Street Trading Consent fees.

1.3 The council has identified 30 sites or locations within the designated Consented Streets where it will grant Street Trading Consents comprising:

14 sites, in the pedestrianized City Centre.

7 Sites in the Hoe and Waterfront area for the sale of ice cream from mobile vans.

1 site in the City Centre from a mobile unit for the sale of ice cream.

8 sites in Hoe and Madeira Road for sale of food and non-food items.

1.4 The purpose of the report is:

a) To set the consent dates and fees for 2022/ 2023.

b) To ask that the Service Director for Economic Development be given delegated powers to approve the issuing of consents.

d) To approve the proposal for hot drinks and snacks to be sold from mobile ice cream vehicles that hold a consent.

**2.0 Duration of Consents for 2022 / 2023**

2.1 It is proposed that all City Centre Consents commence on 1 April 2022 and end on 31 March 2023.

2.2 It is proposed that all Hoe ice cream sites (vans) commence on 1 April 2022 and end on 31 March 2023.

2.3 It is proposed that all Hoe Road and Madeira Road food and non-food sites commence on 1 April 2022 – 31 March 2023.

### **3.0 Consent fees for 2022/ 2023 background**

3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Sch 4 para 9) provides that a Council may charge fees as it considers reasonable for the granting or renewal of Street Trading consents. In particular, it may take account of the duration of the Consent, the street in which it authorises trading and the description of articles in which the holder is authorised to trade.

3.2 The Council's policy is to administer its street trading scheme as a trading account and to finance all of its expenditure on street trading from the consent fees. The council cannot, however, budget to make a profit on its street trading activities. Therefore the overall budgeted level of consent fee income must not exceed the amount that the Council reasonably consider will be required to cover the total cost of operating the scheme, including the cost of taking criminal and/or civil proceedings against those who trade without consent.

Due to the COVID 19 pandemic and the financial pressures places on existing street traders during the 2021/2022 trading year teamed with the decrease in footfall in the city centre there was no increase in and consent fees.

2021 / 2022 has been another challenging year for all street traders and the issues that hit the high street at the start of the pandemic in March 2020 have continued through this financial year with most traders experiencing the strain of price rises and less income with no grants to assist them this year.

It is proposed that there is no increase in consent fees for city centre street traders for the 2022 / 2023 trading year in order to support street traders continue to trade. Appendix C shows a finance model with the potential consequences of % increases.

It is proposed that there is a restructure of consent fees for the ice cream trading pitches for the 2022 / 23 year. During 2021 and 2022 several establishments along the waterfront have started to sell ice cream from their premises, some operating onto the Highway. This has caused upset and some anger between traders. The ice cream traders have highlighted the difference in site fees along the ice cream sites on the waterfront and there has been historically a large difference in consent fees. However, the footfall has changed as have the locations and parking arrangements for the ice cream vehicles, so it is proposed that there is a levelling out of fees across the waterfront. This means that the highest consent payers will not have an increase in fees, but others will. The proposed average fees are set out in Appendix C. The sites will be an equal opportunity for all traders with the new price proposal with street trading suffering no loss on income.

The proposed consent fees are set out in Appendix A to this report. This schedule does not propose increases to the current fees charged for outdoor seating and board advertising; this would not be governed by Street Trading but by the Highways Department.

### **4.0 Allocation Procedure**

4.1 Existing Consent holders in the City Centre are granted a degree of preference in the re-allocation of their consents unless applications are received for alternative trades that are sufficiently attractive to possibly warrant displacing an existing consent holder.

4.2 Existing Ice Cream Consent holders are granted a degree of preference in the re-allocation of their consents. Any contested consents or new applications would be considered in consultation with the chair of the licensing committee and the lead opposition member.

4.3 In 2013 the Committee approved the creation of trading sites on Hoe Road and Madeira Road and delegated approval of new applications to the Licensing Sub Committee. As only one site has been let it proposed that all new applications would continue to be considered by the Licensing Sub Committee, and that any renewals are given delegated authority to the Service Director for Economic Development.

## **5.0 Street Trading during City Centre Events**

The City Centre Company and Plymouth City Council organise a number of events and entertainment each year in the City Centre. City Centre space is also used commercially for promotional activity. Opportunities for short-term street trading during these periods are often requested. This type of short-term street trading can add to the attractiveness of the City Centre making the City Centre a more desirable place to visit. It is proposed that in these instances the Service Director for Economic Development may approve short-term licenses for street trading associated with events or promotional activity. During events in the City Centre, full time Street Traders are not asked to move out of the City Centre. Ice Cream traders are not to move off the allocated consent site unless instructed to by a PCC Officer or representative.

## **6.0 Ad hoc Street Trading**

6.1 From time to time applications are received from entrepreneurs with propositions who wish to trade in the City Centre for a period less than 12 months. They are self-sufficient and do not require a street trading stall. An example of these may be an artist wishing to draw and sell their personal caricatures and another person seeking to sell his poetry on scrolls. Neither of these activities has the potential to clash with permanent shops or traders but would add to the vibrancy of the City Centre and help maintain the income stream. This type of trading does not require a fixed site and could be located comfortable and safely within the City Centre.

## **7.0 – Ice Cream Consent Holders to be able to serve hot drinks and hot snacks from their vehicles.**

7.1 - During 2021 and 2022 many establishments along the waterfront that have started to sell ice cream from their premises, some operating onto the Highway. This has caused upset and some anger between traders. The land that these premises trade from is within their lease and so nothing can be done to stop this happening. The ice cream consent holders have asked for it to be considered that they can extend their offering to include hot drinks and hot snacks from mobile ice cream vans. This would give them a fair opportunity for trade over the colder months and it is recommended that PCC encourage this change. Obviously all Consent Holders will need to meet all health and safety and hygiene requirements.

7.2 – If this proposal is agreed by the Committee the paragraph in the application form headed up “Permitted Trades for Ice Cream Pitches” would have to be changed from:

“All the trading locations will be allocated solely for the sale of ice cream, frozen confectionery and cold soft drinks. The sale of any other commodities including such ancillary items as sugar confectionery and hot drinks will not be permitted” to

“All the trading locations will be allocated for the sale of ice cream, frozen confectionery, hot and cold soft drinks. Hot drinks and Snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of the Licensing Committee and Lead Opposition member”

7.3 If the proposal to add hot drinks / snacks is agreed the application form would be amended to reflect this. The amendments to the application are shown in italics in Appendix B.

**Appendix A- Proposed 2022/2023 Consent fees**

SITE	LOCATION	TOTAL ANNUAL CONSENT FEES 2021 / 2022	PROPOSED ANNUAL FEE 2022 / 2023
<b>CITY CENTRE SITES</b>			
2A	New George Street (nr. Former Woolworths building)	£6618	£6618
2B	New George Street (WHSmiths)	£6618	£6618
2D	New George Street (nr. Sundial)	£6618	£6618
9	New George Street (Waterstones)	£6618	£6618
3A	Bedford Way (Royal Parade end)	£3986	£3986
3B	Bedford Way (New George Street)	£6554	£6554
7	New George Street – operating from top outside Drakes Circus to the area opposite Bedford Way	£3029	£3029
8	New George Street Winter (Sundial area) seasonal	£2546	£2546
8	New George Street Summer (Sundial area) seasonal	£1333	£1333
10	Sundial East	£7814	£7814
11	Sundial West	£7814	£7814
12	Cornwall St o/side Superdrug	£4440	£4440
13	Place De Brest East	£4440	£4440
14	Place de Brest, o/s Specsavers	£4440	£4440
<b>ICE CREAM SITES</b>			
B	Madeira Road	£4634	£7579
C	Madeira Road	£4634	£7579
E	Hoe Road	£11434	£7579
F	Hoe Road	£11434	£7579
G	Hoe Road / Grand Parade	£5760	£7579
H	Pier Street	£1377	£1391
I	Cliff Road	£1121	£1132
<b>HOE AND MADEIRA ROAD SITES</b>			
1	Hoe Road colonnade west	£3000	£3000
2	Hoe Road mid-west colonnade	£3000	£3000
3	Hoe Road mid-east colonnade	£3000	£3000
4	Hoe Road colonnade east	£3000	£3000
5	Hoe Road lido west	£3000	£3000
6	Madeira Road triangle west	£3000	£3000
7	Madeira Road triangle east	£3000	£3000
8	Madeira Road adjacent to cannons	£3000	£3000
TOTAL*		£137,262	£137,287

\*Assumes 100% occupancy



**Appendix B – 2022/2023 Application form with terms and conditions (also available to online applications)**

I have read and understood the terms and conditions of the Council's Street Trading Consents and being over 17 years of age make the following application(s) under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for the Consent to trade in the City Centre and Hoe area.

Name: \_\_\_\_\_

Home address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Business address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Please give details of your proposed merchandise or service including range, type, quality and the name and address of your proposed manufacturer/supplier if your application is for ice cream sales:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please give details of proposed sales unit (one back up vehicle may be included if selling ice cream), such as mobile van, towed trailer, static trailer, hand trolley etc and provide a colour photograph and full description including dimensions, colour etc:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you personally own the proposed sales unit?

Yes  No

If no, who owns the sales unit:

\_\_\_\_\_

Do you have any previous trading experience?

Yes  No

If yes, please give details of any street trading consents you hold or have held within the last three years with the name and address of a contact within the local authority concerned:

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Does your proposed trade involve the sale of food?  Yes  No

Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three year.

I confirm that I am not currently in breach of any food hygiene regulations at other premises and have not been convicted of such on offence within the last three years. I further confirm that this statement is true for any proposed assistants who shall work from the stall unsupervised.  Yes  No

Have you completed a food business registration with your local authority(provide name of local authority and date / year of registration, name of business as registered below)  Yes  No

Have you and your employees attended an approved food handling course within the last three years? (Please enclose copies of course certificates)  Yes  No

Will you be trading from the unit yourself?  Yes  No

If no, please say why you will not be trading in person, the extent of your personal attendance, the basis on which the persons who will be trading will be employed (eg salaried only, part salary/part commission or commission only) and if known the name and address of the person(s) who will run the business on your behalf. Before permits are issued the employee’s driver’s licence will have to be produced. (Please provide details on a separate sheet)

If you have any previous trading experience please provide details (not required if you're reapplying from 2021/2022). Please include details of any street trading consents you hold or have held within the last three years, with the name and contact details for the local authority concerned.

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### Referees

Please provide the name and address of two trade or character referees (not required if you're reapplying from 2021/2022).

Name of first referee:

Home address:

Postcode:

Name of second referee:

Home address:

Postcode:

### Street trading consents: All sites

Tell us which sites you're interested in, in order of preference, with number one being your most preferred site. Consent fee includes business rates and is for a year from 1 April to 31 March.

### PERMITTED TRADES FOR ICE CREAM PITCHES

All the trading locations will be allocated solely for the sale of ice cream, frozen confectionery and cold soft drinks. *Hot drinks and Snacks may be permitted on application, the decision with regard to the acceptable type of trade at each location will be decided as part of the application process in consultation with the Chair of the Licensing Committee and Lead Opposition member.*

Sites B to H are dedicated ice cream parking bays, while Site I (Cliff Road) can use any pay and display parking bays on Cliff Road not solely reserved for permit holders.

Site	Consent fee per year	Preference
B: Madeira Road	£7,579	
C: Madeira Road	£7,579	
E: Hoe Road	£7,579	
F: Hoe Road	£7,579	
G: Hoe Road/Grand parade	£7,579	

H: Pier Street	£1,391	
I: Cliff Road	£1,132	

## PRICE LIST

Please give details of your prices for 2022/2023 including examples of popular items that you sell.

Product	Price
Small ice cream cone	
Medium ice cream cone	
Large ice cream cone	
Child's standard fruit flavour ice lolly	
Adult's standard fruit flavour ice lolly	
<i>Other goods..... to include hot drinks / snacks</i>	

## PERMITTED TRADES IN CITY CENTRE

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders.

The site at Sundial East will be allocated specifically for the sale of ice cream, frozen confectionery and cold soft drinks. Sales of ancillary commodities from this site such as sugar confectionery will not be permitted.

Site seven in New George Street will be allocated for the sale of balloons from the hand.

Site eight is a site that has been specifically allocated for the trade of a street photographer. There are currently two separate periods available; October to March, and April to September.

Site	Consent fee per year	Preference
2A: New George Street (outside Sports Direct)	£6,618	
2B: New George Street (outside W H Smiths)	£6,618	
2D: New George Street	£6,618	
3A: Bedford Way	£3,986	
3B: Bedford Way	£6,554	
7: New George Street (operating from Drakes Circus to the area opposite Bedford Way)	£3,029	
8: New George Street (winter)	£1,333	

8: New George Street (summer)	£1,333	
9: New George Street (outside Waterstones)	£6,618	
10: Sundial East (Please attach an ice cream price list if interested in this site)	£7,814	
11: Sundial West	£7,814	
12: Cornwall Street (outside Superdrug)	£4,440	
13: Place de Brest East	£4,440	
14: Cornwall Street (outside Specsavers)	£4,440	

### PERMITTED TRADES FOR HOE AND MADEIRA ROAD WATERFRONT PITCHES

The eight sites are available for the sale of food (except for foods such as burgers, chips, hotdogs, other similar fried foods and ice cream) and non-foods. The sites may include trades such as street entertainers, arts and crafts, balloon sellers, fresh food produce etc.

The decision with regard to the acceptable type of trade at each location will be decided as part of the application process by committee.

Where a particular item is not deemed suitable for that specific consent site, the application will be refused, or the applicant may be offered an alternative site if possible.

Site	Consent fee per year	Preference
1: Hoe Road (colonnade west)	£3,000	
2: Hoe Road (mid-west colonnade)	£3,000	
3: Hoe Road (mid-east colonnade)	£3,000	
4: Hoe Road (colonnade east)	£3,000	
5: Hoe Road (lido west)	£3,000	
6: Madeira Road (triangle west)	£3,000	
7: Madeira Road (triangle east)	£3,000	
8: Madeira Road (adjacent to Cannons)	£3,000	

Your application should be accompanied by the following items:

Two recent colour photographs of your proposed sale unit, one clearly showing the registration number of the vehicle and the other the nearside of the vehicle.

Two passport size photographs of the applicant(s) and any named assistants.

Copies of food hygiene certificates for the applicant(s) and any named assistants.

Confirmation of your food registration and food hygiene rating for each proposed vehicle or unit

A copy of your public liability insurance.

Applicants must provide details of their prices for the standard items shown on the list attached to the application form, together with details of popular items that you will normally sell, including the price.

**SUBMISSION OF APPLICATIONS**

Applications must be made online or in writing on the ice cream street trading form and sent together with photographs and certificates to: Street Trading Manager, Plymouth City Council, Floor 2, Ballard House, West Hoe Road, Plymouth PL1 3BJ.

The Council reserves the right to refuse any application without disclosing its reasons.

Email [emily.bullimore@plymouth.gov.uk](mailto:emily.bullimore@plymouth.gov.uk) or call 01752 304604 if you have any enquiries.

Signed:

Date:

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## **GUIDANCE NOTES**

### **APPLICATIONS FOR CONSENTS**

Each trading location must be applied for individually, but applicants can submit applications for as many locations as they are willing to trade from. If the number of acceptable applications received is greater than the number of consent locations only one consent location will be allowed per applicant.

The consents to trade from the sites will be allocated at the sole discretion of the Council. Existing traders will be given a degree of priority when allocating the sites so new applicants may not get their first or subsequent choices. In that event you will be contacted and offered an alternative site.

The consent fee is payable by equal monthly instalments, the first payment being payable at the beginning of the consent period before the consent is issued. The fee is inclusive of business rates.

The allocation of consent will be directed at obtaining a wide range of acceptable trades and a high quality style of trading. Applicants are required to provide full details of their trading style including photographs where possible.

Applications are being invited for the period until 31 March 2023 and successful applicants will be expected to trade throughout the whole of this period.

Any persons aged seventeen years or over may apply for a consent but in the event of competition for sites between local and non-local traders a minimum of 50 per cent of the consents will be allocated to local traders.

Applicants must ensure that their proposed trade is compatible with the location(s) being applied for as the Council will have regard to the interests of nearby permanent traders. Similar trades will not be allocated to different consent sites in the same street.

### **TERMS AND CONDITIONS OF CONSENTS**

The full terms and conditions that will apply to the grant of a consent under the Local Government (Miscellaneous Provisions) Act 1982 are set out below. These terms and conditions must be strictly complied with as any breach could result in a trader's consent being immediately withdrawn. Applicants are strongly advised to carefully read the terms and conditions before making an application. The following paragraphs highlight some points of particular note not covered elsewhere in these details.

### **TRADING**

Traders will be only permitted to trade from the specific site allocated and in the merchandise or services for which consent has been granted. No other commodities whether or not ancillary to the permitted trade may be sold. Advertisements describing the commodities sold must not mislead the consumer. It is illegal to falsely describe food and drink.

A trader may trade at his discretion within the permitted hours of 8.30am to 9pm throughout the week. Good business ethics, good quality merchandise/services and value for money are expected and required from traders.

Traders must run their business and attend the stall in person unless the Council has given written permission for the appointment of an employee to run the business on the trader's behalf. Permission to appoint employees will not be granted without good reason. The requirement is not intended to prohibit traders from being assisted by employees provided traders are in a regular and substantial attendance at the stall in person.

Traders will not be able to share the benefit of a consent or transfer it outright to another trader.

Traders and approved employees will be supplied with identification consent permits, which must be displayed inside the stall at all times when trading. The consent fee includes the cost of providing a total

of four identification permits during the consent period. With reasonable notice Plymouth City Council endeavour to issue additional permits for which there will be a charge of £15 for each permit requested. The Council will endeavour to issue any additional permits required on receipt of payment, two passport size photographs and, if appropriate, evidence of attendance at an approved food handling course.

The sales unit must not be left unattended at any time. A fully insured driver must remain with any motorised vehicle. Consent holders must attend the sales unit in person unless the Council has given written permission for the appointment of an employee to operate the sales unit on their behalf. Requests for employees to run sales units on behalf of the consent holders will be considered on merit. This requirement is not intended to completely prohibit traders from being assisted by employees provided the consent holder is in regular attendance at the sales unit in person for most of the time. A consent holder will not be able to share the benefits of a consent or transfer it outright to another trader.

Good business ethics, good quality merchandise and value for money are expected and required from the consent holders.

The use of free standing external generators is not permitted.

## **UNITS**

Any sales unit used by the trader must be of a design and standard acceptable to the Council and approved in writing. Details must be provided with the application. Applicants are required to submit full details of their trading unit with the application form, including two colour photographs. Prior to the confirmation of the grant of a trading consent, any sales unit providing food must have received an inspection by an authorised officer of the local authority where they are registered and must meet at least the minimum standards of the relevant food and health and safety legislation. A minimum food hygiene rating of 3 (satisfactory) must be achieved. If the council proposes to grant a consent to applicants who have not received a food hygiene inspection or rating at the time of the application, a rating of 3 or above must be achieved within a month of trading. Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in a consent being withdrawn.

Consent holders will be required to provide and operate from their own purpose built or specially adapted, completely self-contained sales unit (eg a motorised van, towed road trailer or hand trolley) of a design and appearance acceptable to the Council.

Motorised vehicles or towed trailers may NOT be driven or parked on the pavement or any other pedestrian area. Trading will take place from a sales unit parked on the vehicle carriageway. All goods, packaging, refuse and other articles must remain in the sales unit during trading.

For waterfront pitches, units will need to be moved on and off site every day. A unit left on site full time is not acceptable on these sites.

## **ACCESS TO THE SITE**

All of the City Centre sites are in pedestrianised areas. Access to sites must be before 9.00am and after 6pm. Traders must apply for and be granted a permit from Plymouth City Council's parking department. If it is necessary to re-stock or remove refuse between these times, access will only be available by foot with, if necessary, pedestrian controlled trolleys, which should be removed as soon as the task is completed. Vehicles must not remain on site throughout the day; any breach could result in a consent being withdrawn.

For Hoe and Madeira Road Waterfront traders, the structure proposed must be temporary and be able to be removed from site at the end of the day. Trading from motorised mobile vehicles is not



acceptable. The provision of gazebos and tents will not be accepted as they are not safe during high wind conditions, on exposed areas of Hoe Road and Madeira Road.

Ice cream traders will only be authorised to trade from the allocated permit bay. Traders must NOT stray outside their allocated consent area.

The ability to trade is subject to any road closure, temporary or otherwise, that may prevent access to the consent location or the permit bay.

Trading must always take place in a safe manner. The service of customers must be onto a pavement.

The sales unit must NOT be parked within 15 metres of a road junction on the same side of the street as the sales position

For Ice Cream vans and Waterfront traders, applicants should be aware that it is possible that the trading location MAY be affected by temporary road closures or suspension of parking facilities in connection with events such as Lord Mayors Day, Firework Competition, MTV Crashes Plymouth, Plymouth Bike Week or works or improvements to the roadway or footway. In these circumstances trading will not be possible and no refund of any consent fee will be made. Under no circumstances will trading be permitted outside of an allocated consent bay without prior agreement.

## **ELECTRICITY**

A 16 / 32 amp electricity supply is available from a socket located adjacent to each site within the City Centre and for the Pier Street Ice cream pitch. Traders are responsible for registering with an electricity supplier of their choice. Traders should carry out daily visual checks to electrical cabling to ensure that nothing has been tampered with and that cables are not damaged. Should any visual damage be evident, this should be reported to the Street Trading Manager immediately and the consent holder should refrain from using cables until they have been checked by a qualified electrician. The trader will be responsible for payment of the electricity consumed and the standard charge. Traders must inform their chosen supplier when they vacate a site to avoid complications with final invoice.

Proof of all portable electrical appliance equipment testing (PAT test) must be supplied by operators before any equipment is plugged in.

## **CONSENT FEE**

The fee for the consent will be payable in quarterly or monthly instalments by standing order, or in a one off up-front payment. If invoices are not paid on time then proceedings will be started to take action against the consent holder to retrieve payment and the consent to trade will be withdrawn. The fees are inclusive of any business rates that may become payable. Where a consent commences part way through the year the instalment dates will be confirmed by the Council.

Details of the consent fees can be found on the application form.

## **WASTE / LITTER**

Great importance will be placed on the control of litter by traders in and around the trading locations. Traders are required to keep the trading position and the immediate surroundings street clean and tidy. An adequate and conveniently placed litter bin must be provided by the trader on each sales unit for the use of customers (plastic sacks will not be permitted). All trade and other refuse must be removed from the consent location and disposed of by the trader in an approved manner.

The trade and other refuse must be collected by an authorised waste disposal contractor or removed to an authorised waste disposal site; in either case a waste transfer note must be obtained and kept by the trader for inspection.

## **WASTE WATER**

Waste water from the trader's premises must not be permitted to drain onto the public highway. Waste water will need to be collected in a clearly labelled waste water container(s). The waste water container used must be able to collect the water without spillages. A direct piped connection to the waste water container would be the preferred option. The waste water container must be taken off site for suitable disposal. Waste water must not be disposed onto the highway or rainwater gully or surface water drains.

## **WASTE MINIMISATION**

All food stall holders must take steps to minimise their use of packaging. Where possible traders are asked to ensure any serving containers or utensils provided to the customer are reusable / recyclable and/or biodegradable/compostable to reduce the level of waste going to landfill.

## **STATUTORY REQUIREMENTS**

Traders must comply fully with laws, byelaws and regulations, including for ice cream, fruit and confectionery food safety legislation. The food business must be registered with the Council's Public Protection Service. Applications will not be considered from any trader who is in breach of any food hygiene regulations at other premises or who has been convicted of such an offence within the last three years.

The trader is responsible for ensuring the health and safety of himself, his employees and any other person who may be affected by his business undertaking.

Authorised officers from the Council's Public Protection Service must be permitted access to the trading premises at all reasonable times. It is an offence to obstruct an authorised officer in the execution of their duties.

In addition to the road traffic regulations and parking restrictions and prohibitions, traders must comply fully with all other laws, bye-laws and regulations, including food safety legislation. The food business must be registered with the Council's Public Protection Service.

## **NUISANCE**

Traders must not conduct their business in such a manner as to cause a nuisance to other persons or in such a manner that would obstruct the highway. The use of radios or amplifying equipment will not be permitted.

## **ADVERTISEMENTS**

In order to maintain the high visual standards required by the Council there will be strict control of advertisements displayed on the unit. A boards are not permitted for any traders.

## **UNAUTHORISED STREET TRADING**

The Council will use its best endeavours to control unauthorised trading but cannot guarantee that unauthorised trading will not take place. By submitting an application for a street trading consent applicants acknowledge that the Council will have no liability for any losses suffered in consequence of unauthorised trading.

## **PUBLIC LIABILITY INSURANCE**

Traders must hold a valid public liability insurance of at least £5,000,000 and will be required to indemnify the Council against claims and proceedings arising out of the grant of the consent.

## **WITHDRAWAL OF A CONSENT**

Any breach of the statutory provisions relating to street trading or the terms and conditions of the consent will enable the Council to revoke the consent without compensation. The Licensing Committee of the Council will be the final arbiter of what constitutes a breach and whether the consent will be withdrawn.

Traders may themselves at any time surrender a consent which is no longer required. Where a consent is surrendered or revoked, the Council shall remit or refund, as they consider appropriate, the whole or part of any fee paid for the grant or renewal of the consent.

Any upheld report of illegal trading carried out by any consent holder in any location in Plymouth could result in consents being withdrawn with immediate effect.

## **PROVISION OF FOOD AND DRINKS**

Consent Holders will be required to produce:

- Confirmation of their food registration with the Local Authority where the van / unit is stored overnight (Correspondence for the Local Authority will suffice)
- Confirmation of their food hygiene rating or proof that they are exempt. Food traders must have achieved a 'Food Hygiene Rating Scheme (FHRS) score of 3 or above at their last local authority food hygiene inspection as a minimum. If a rating has not been given by your local authority at the time of the application a rating of 3 or above must be achieved with a month of trading. Should you be given a food hygiene rating of less than 3 during the consent period you will be in breach of these terms and conditions which could result in the consent being withdrawn.
- A documented Food Safety Management System (SFBB) or similar system, shall be available on the stall for inspection at all times when trading. In short this is written procedures for cleaning and disinfection, stock rotation, personal hygiene, water supply, temperature control. Your local Public Protection Department will be able to advise you.
- All consent holders and any permitted employees must have received formal food hygiene training to a minimum of level two Award in Food Hygiene in catering within five years of the expiry date of the consent or an equivalent certificate in food hygiene refresher training within three years of the expiry of the consent. In either case, awards must be issued by a recognised training provider.
- If the council proposes to grant a consent to applicants who do not hold an acceptable certificate in food hygiene training the commencement of the consent will be deferred for a reasonable period pending the applicant obtaining training.
- All food businesses must provide information about allergenic ingredients used in foods sold or provided by them. Details of the allergens will be clearly listed in an obvious place such as a menu, chalkboard or information pack. Where not on show you will need to signpost to where it can be obtained. Further information on allergen information can be obtained from the 'Food Standards' Agency' website.: [www.food.gov.uk/business-industry/allergy-guide](http://www.food.gov.uk/business-industry/allergy-guide).

## Appendix C

### Financial modelling

#### City Centre Street Traders

Throughout 2021 / 2022 trading year the city centre saw two new street traders. Unfortunately one of these left after just a few months. Therefore street trading city centre income is still less than pre-COVID. With this in mind, the recommendation is to not increase the consent fee for the 2022 / 2023 trading year for the city centre sites to try and keep the traders that we have currently in place and to potentially attract more traders to the vacant street trading sites.

The following table below shows the overall increase of a 1%, 2%, 3% and 4% increase and what this would mean in the current situation with traders:

<b>Current fee 2021 / 2022</b>	<b>1% increase</b>	<b>2% increase</b>	<b>3% increase</b>	<b>4% increase</b>
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£6,618	£6,684.14	£6,750.36	£6,816.54	£6,882.72
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£7,814	£7,892.14	£7,970.28	£8,048.42	£8,126.56
£3,986	£4,025.86	£4,065.72	£4,105.58	£4,145.44
£4,440	£4,484.40	£4,528.80	£4,573.20	£4,617.60
<b>TOTAL £37,290</b>	<b>£37,662.82</b>	<b>£38,035.8</b>	<b>£38,408.70</b>	<b>£38,781.60</b>
<b>Total increase £0</b>	<b>£372.82</b>	<b>£745.80</b>	<b>£1,118.7</b>	<b>£1,491.60</b>

It should be noted that even with an increase of 4% to current traders' site fees this would only generate an extra £1,491.60/year income. However, if one of the existing traders left (which is likely if the site fees are increased) then it would mean a minimum loss of £3,986.00/year; which would be sorely missed.

It is also critically important to note that profit/surplus cannot be made on street trading sites – this is a legal condition under the Miscellaneous Provisions Act.

Consequently, the proposal is to keep site fees at a 0% increase and work hard to encourage new traders onto vacant sites and increase overall income this manner.

It is considered that increasing the site fees when footfall is so low and the businesses have struggled so much this year would force the hand of at least one, if not more, existing traders to hand in their consents.

#### Ice Cream Traders

For the ice cream traders the situation is very different and they have seen as many people out as in a usual year. However, from looking at the current site fees it can be seen that the sites along Hoe Road and Madeira Road range wildly in fees. Several of the traders have complained about this and it is

considered that the footfall is at roughly equivalent levels across all sites. When the prices were first set, tourist attractions such as The Dome put some prices higher than others and before all waterfront sites had dedicated parking consent bays. With this in mind, although we have not increased the site fees overall, we have increased the site fees on Cliff Road and Pier Street by 1% and for all waterfront sites I have averaged out the combined fee and made them all the same price.

This places the sites on a level playing field, yet creates no overall loss to street trading. Assuming agreement to the addition of hot drinks and snacks, this should make all sites equally desirable.

<b>Current Fees 2021 / 2022</b>	<b>Site</b>	<b>Proposed Fee 2022 / 2023</b>
£4,634	Madeira Road	£7,579
£4,634	Madeira Road	£7,579
£11,434	Hoe Road	£7,579
£11,434	Hoe Road	£7,579
£5,760	Hoe Road / Grand Parade	£7,579
£1,377	Pier Street	£1,391
£1,121	Cliff Road	£1,132
<b>TOTAL</b>		<b>TOTAL</b>
<b>£40,394</b>		<b>£40,418</b>