

**ALLOCATION OF
STREET TRADING APPLICATIONS
HOE ROAD AND MADEIRA ROAD**



**Until
31st March 2017**

**Emily Bullimore
Street Trading Officer
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ**

INTRODUCTION

Eight sites are available for the sale of non-food and food (except for foods such as burgers, chips, hotdogs and similar fried foods). The sites are at various locations on Hoe Road and Madeira Road. The descriptions and locations of these consent sites can be found within this application pack.

The consents to trade will be allocated at the sole discretion of the Council.

Applications for the Consent sites are open to any person that is aged seventeen years or older.

Each trading location must be applied for individually.

Applicants may indicate the order of preference for each site that they wish to occupy. Applicants should indicate their order of preference by numbering the sites from 1 (most preferred) to 8 (least preferred) to which details are contained in the Consent Sites table.

Applicants may not be offered their preferred choice as indicated on their application.

Where multiple applications for a site are received, the Licensing Committee will decide the suitable application given the information supplied in the application form and consideration of any relevant consultation responses received.

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.

ALLOCATION OF STREET TRADING CONSENTS

The Council is inviting applications for the allocation of Street Trading Consents for designated locations on Hoe Road and Madeira Road located on the Hoe Seafront area of the city for the initial period of 1 April 2016 to 31 March 2017.

SITES:

Eight Street Trading Consents are available at various locations on Hoe Road and Madeira Road. The descriptions and locations of these Consent Sites are located in the accompanying schedule and location plans. Each site will be allocated to a specific trader under the Provisions of Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982. All of the consent sites are for one unit only.

PERMITTED TRADES:

The eight sites are available for the sale of non-food and food (except for foods such as burgers, chips, hotdogs and other similar fried 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 you may be offered an alternative site if possible.

METHODS OF TRADE

TYPES OF STRUCTURE

The structure proposed must be temporary and be able to be removed from site at the end of the day.

Consent holders will be required to provide and operate from their own structure, of which a design and appearance must be suitable. It is therefore required that you provide full details of your trading unit, including 2 colour photographs. Prior to trading, if the premise is to sell food items, the structure and arrangements must be inspected by an authorised officer of the Public Protection Service, to ensure that it meets at least the minimum requirements for relevant food and health and safety legislation.

Trading from motorised mobile vehicles is not acceptable. Trading will only be allowed to take place from the structure agreed with the council. Traders must obey parking restrictions.

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.

PERMITTED TRADES

The consent holders stall / structure shall not exceed 2.3 metres in height nor occupy an area greater than 3 metres x 3 metres, unless specified. There shall be a gap between the façade of the street traders' structure and the edge of the pavement of no less than 2 metres.

POWER SUPPLY

The use of generators is not acceptable due to the potential noise disturbance to local residents and existing businesses. Battery Operated Generators can be used as these are silent. Currently there is no electricity supply provided to the site locations.

RESTRICTION AND EXCLUSION FROM ACCESS TO TRADING SITES

Applicants should be aware that access to the trading location may be temporarily restricted, and there may be exclusions from trade. Where there are special events arranged, such as Lord Mayors Day, Plymouth Half Marathon, Firework Competition, access to the trading location may not be possible for the duration of the event.

In addition, where there are road closures due to highway maintenance improvements or police closures, access to trading locations may be restricted. In the event that trading is not possible, no refund of any consent fee will be made.

PROCEDURE FOR APPLICATION

There are a number of factors that the Council take into account when determining an application for street trading consents, these include:

(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 if 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 and requests for approval of changes to or replacement of a stall or vehicle.

(e) Needs of the area

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

(f) Environmental Credentials and product type

The impact of the proposed operation on the local environment including street surfaces and materials, power supply, carbon footprint, supply chain, packaging, waste minimisation, waste disposal and waste created by customers. Mitigating measures to minimise the environmental impact of the proposed operation. Consideration will be given to the types of products sold and the suitability of the products at the location requested.

(g) Food Traders

Applicants to trade in hot or cold food must hold a current Level 2 Food Hygiene Certificate to the satisfaction of the Environmental Health Department.

(h) Highway

The location and operating times will be such that the highway can be maintained in accordance with the Plymouth City Council's requirements and that there are no dangers to those who have a right to use the highway and no obstruction for emergency access.

How do I submit an application for street trading?

The following shall be required when submitting an application for street trading:

- 1 – A completed and signed application form.
- 2 – 2 passport size photographs of the applicant/s and any employees.
- 3 – Two colour photographs of the trading unit.
- 4 – A copy of the certificate of insurance covering third party and public liability risks.
- 5 – A copy of your risk assessment
- 6 – Copies of any certificates for food hygiene training
- 7 – Any specific licenses for specific types of trade.

Applications must be made in writing on the application form provided, together with any requested information to:

Street Trading Department
Floor 2, Ballard House
West Hoe Road
Plymouth
PL1 3BJ
Tel: 01752 304604
Email: Emily.bullimore@plymouth.gov.uk

What happens once I submit my application?

The Public Protection Service and Plymouth Waterfront Partnership Business Improvement District (BID) will receive copies of the application for consideration. Consultation with the following agencies will form part of the consideration for suitability of the application.

- Devon and Cornwall Police
- Devon and Somerset Fire and Rescue Service
- Plymouth Transport and Infrastructure
- Planning
- Parking Division
- Environmental Health
- A period of 14 days is permitted for comments to be received.

All applications will be submitted to the licensing committee. The applications and any representations will be presented to the Licensing Committee at the next available date after the consultation period.

The Licensing Committee will decide which applicant will be granted to each site.

GENERAL CONDITIONS OF THE CONSENT

Each consent site will be subject to a number of General Conditions for Annual Street Trading Consents. These conditions can be found in the application pack. However, it may be determined by the council that additional conditions may be placed on a trader as part of the application process where these are applicable.

FEES

Fees will be set and reviewed annually.

The annual fee includes the Consent and Pitch Fee. The consent fee covers the general administration generated by the introduction and maintenance of the consent. The pitch fee will be used to facilitate the operation of the site, which will include maintenance and improvement of the site for the period of the consent.

The level of fees applicable takes into account the location, the duration of the consent, trading hours and the articles sold. Details of the current fees can be found on the Council's website or on application. Fees must be paid in advance and arrangements are in place to enable annual fees to be paid in monthly instalments by direct debit.

GENERAL TRADING

The consent holder will only be authorised to trade from the specific location allocated to them and identified on the Consent. Traders must not trade outside of their designated pitch location.

Trading at the designated location is subject to exclusion due to roadworks /highways improvements, police closures or special events.

A trader may only sell the goods to which the Consent has been granted.

The trader may only trade from a structure that has been inspected and deemed suitable by an authorised office of the council.

Traders must not use more than one sales unit at the Consent location at any one time.

Traders can only trade at the permitted hours as determined in then Consent permission.

UNAUTHORISED STREET TRADING

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

Similarly, Consent holders that undertake their business outside of their designated Consent site will be considered as trading in an unauthorised manner.

SEATING

No external seating is permitted for staff or customers outside of the sales unit without a valid license to place tables and chairs on the highway.

WITHDRAWAL OF CONSENT

Any breach of the provisions of the Local Government (Miscellaneous Provisions) Act 1982 relating to street trading, or the terms and conditions of the consent will enable the Council, to withdraw the consent without liability for the payment of compensation.

The Council Licensing Committee will be the final arbiter of what constitutes a breach and whether the consent will be withdrawn.

Refusal or delay in the payment of the Consent Fee instalments will result in the consent being immediately withdrawn.

The Consent Holder may themselves surrender Consent at any time, where it is no longer required. Upon surrender or revocation, the Council will consider the refund of part or the whole of the Consent Fee paid.

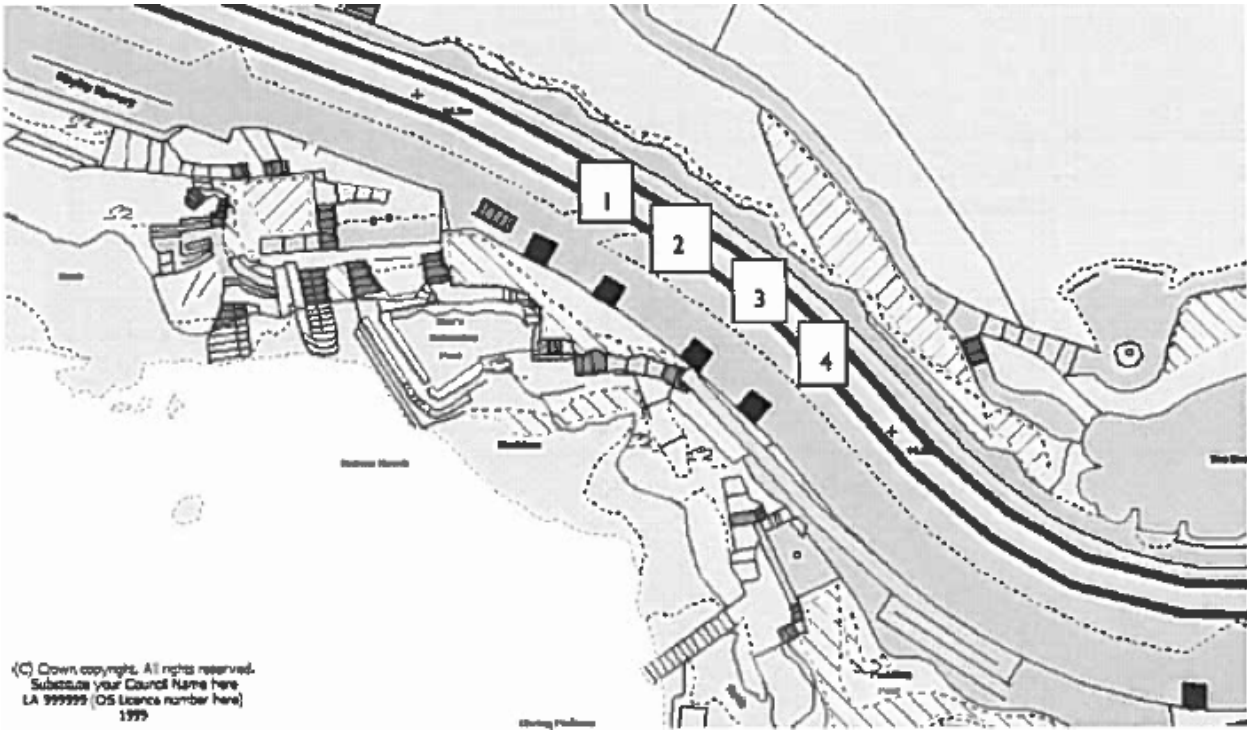
CONSENT SITES AND FEES TABLE

Site Number	Description	Fee	Type of trade
1	Hoe Road (Colonnade West)	£3000	To be decided as part of the application process
2	Hoe Road (mid-West Colonnade)	£3000	To be decided as part of the application process
3	Hoe Road (mid-East Colonnade)	£3000	To be decided as part of the application process
4	Hoe Road (Colonnade East)	£3000	To be decided as part of the application process
5	Hoe Road (Lido West)	£3000	To be decided as part of the application process
6	Madeira Road (Triangle West)	£3000	To be decided as part of the application process
7	Madeira Road (Triangle East)	£3000	To be decided as part of the application process
8	Madeira Road (adjacent to Cannons)	£3000	To be decided as part of the application process

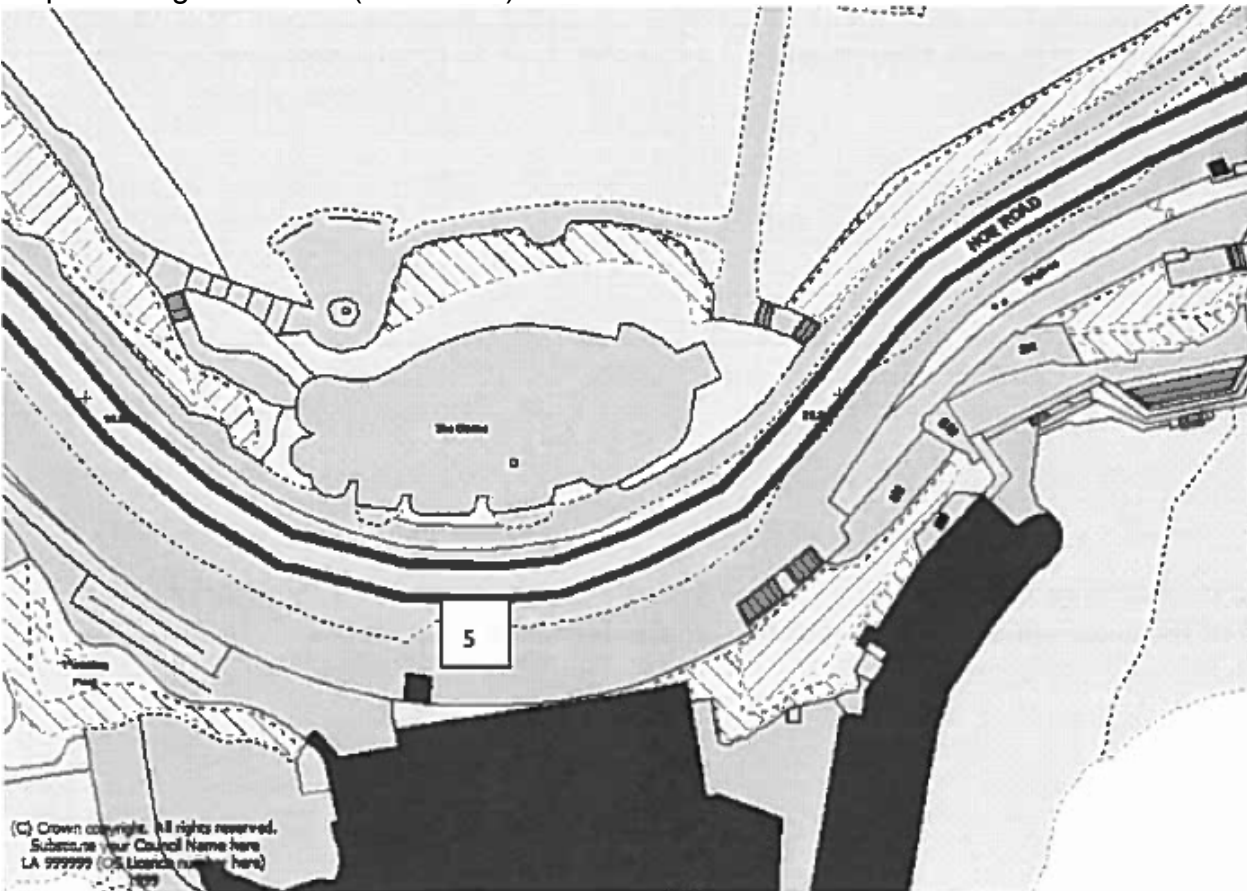
The fees above may be subject to review at the end of the financial year. Fees may increase or decrease as a result.

CONSENT SITE LOCATIONS

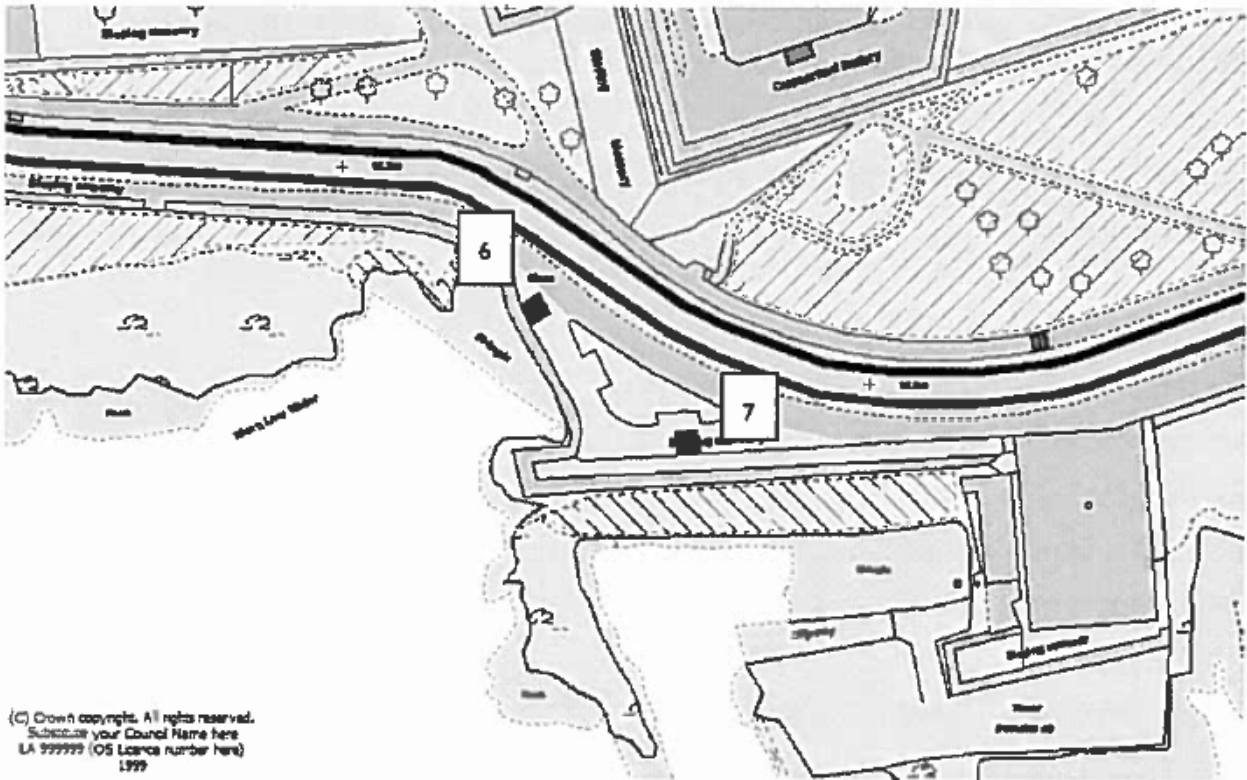
Map showing Hoe Road (Colonnade East, Mid-East, Mid-West and West) Locations for Consent Sites 1, 2, 3 & 4.



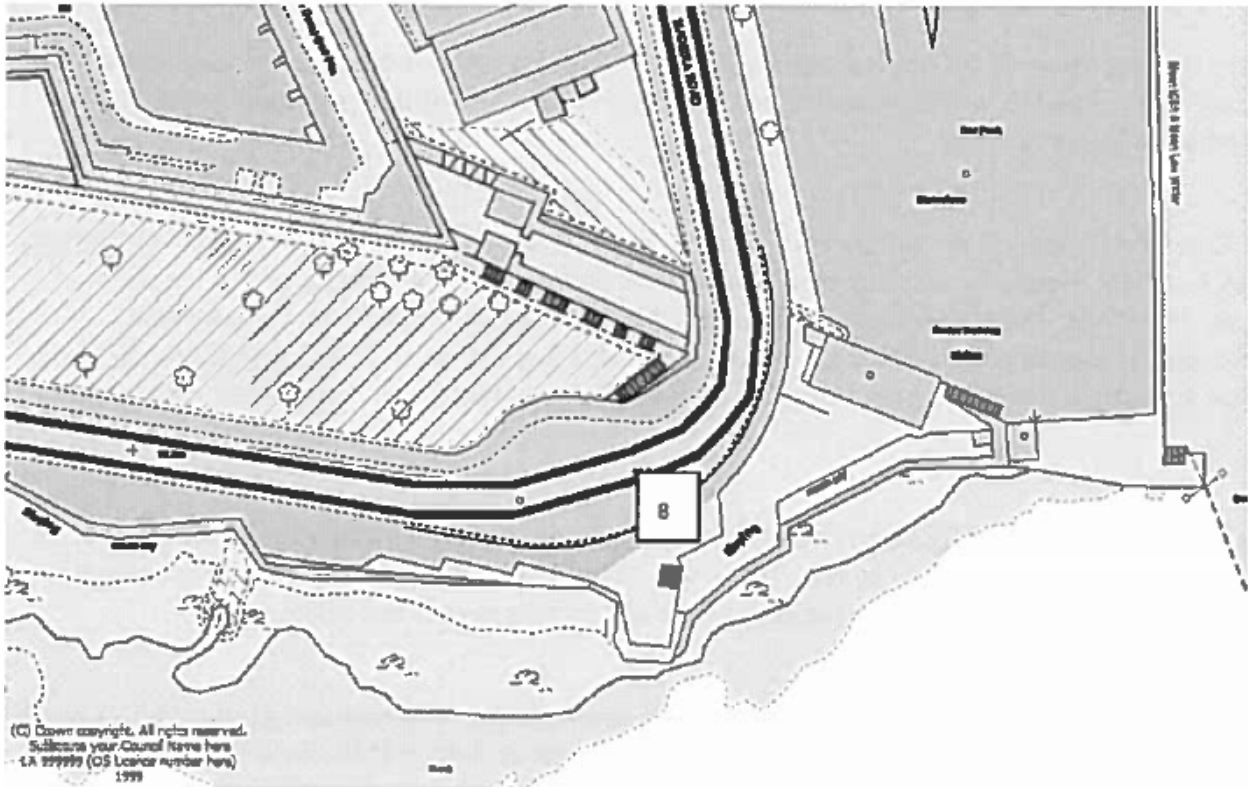
Map showing Hoe Road (Lido West) location for Consent 5.



Map showing Madeira Road (Triangle East & West) locations for Consent Sites 6 & 7



Map showing Madeira Road (Cannons) location for Consent site 8



PLYMOUTH CITY COUNCIL
HOE ROAD AND MADEIRA ROAD STREET TRADING
CONSENTS
APPLICATION FORM

To Emily Bullimore, Street Trading Officer, Floor 2, Ballard House, West Hoe Road, Plymouth, PL1 3BJ

I have read and understood the Terms and Conditions of the Council's Street Trading Consent and being over 17 Years of age make the following application under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 for Consent to trade in Plymouth City Centre.

Full Name of Applicant: (Block Letters) _____

Home Address: _____

Business Address:(If different from above) _____

Company number (if applicable) _____

Telephone Numbers:
Home _____ **Business** _____

E-mail Address: _____

Full Details of your proposed merchandise or service. State any seasonal variations:

If your proposed trade involves the sale of food have you and your employees attended an approved food handling course within the last 3 years?

(If **Yes** enclose copies of course certificates)

• **Yes:**

• **No:**

Are you currently in breach of any food hygiene regulations at other premises or have you been convicted of such offences within the last 3 years?

(If **Yes** provide full on a separate sheet of paper)

PLYMOUTH CITY COUNCIL
HOE ROAD AND MADEIRA ROAD TRADING
CONSENT SITES

SITE	CONSENT FEE £ Subject to committee approval	ORDER OF PREFERENCE 1,2,3 Etc. (1= most preferred)
1 – Hoe Road (colonnade west)	£3000	
2 – Hoe Road (mid-west colonnade)	£3000	
3 – Hoe Road (mid-east colonnade)	£3000	
4 – Hoe Road (Colonnade east)	£3000	
5 – Hoe Road (Lido west)	£3000	
6 – Madeira Road (triangle west)	£3000	
7 – Madeira Road (triangle east)	£3000	
8 – Madeira Road (adjacent to cannons)	£3000	

Additional Information: If you wish to provide any additional information in support of your application please continue on a separate sheet of paper.

Photographs: Two passport size photographs each of yourself any known employees must be attached to this application form.

Signed: _____

Dated: _____

GENERAL TERMS AND CONDITIONS FOR STREET TRADING CONSENTS

Below is a list of the general conditions for trading on consented pitches on Hoe Road and Madeira Road.

1. No trading to which the attached consent relates shall take place except between the dates of: *

2. The operational hours shall be:
 - Between the hours of.....and.....on Mondays
 - Between the hours of.....andon Tuesdays
 - Between the hours ofand.....on Wednesdays
 - Between the hours ofand..... on Thursdays
 - Between the hours of.....andon Fridays
 - Between the hours ofandon Saturdays
 - Between the hours ofandon Sundays
3. The street trading consent relates to the particular area / site only.
4. The street trading consent relates to the particular stall / structure only.
5. Street trading can only be carried out from the structure authorised under the conditions of the consent. Any changes or replacement of the stall or vehicle must be approved.
6. 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 and Safety at Work Act 1974, the food hygiene (England) regulations 2006. 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 the footway (It is an offense to drive other than on a road.)
7. 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 Plymouth City Council. Consent holders shall have special regard to and must take positive action to prevent excessive noise.
8. The Environmental Protection Act 1990 places a duty of care on business 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 refuse at all times.
9. Consent holders trading site 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 traders' structure so that members of the public can clearly see it during hours of business.
10. The Consent holder shall ensure that the trading structure is positioned only in the allocated space in the consent street for which the street trading consent is issued. All goods shall be displayed on the stall and no freestanding racks or displays are permitted. If a Consent holder or operator is requested to move their structure by an authorised Council Officer or Police Officer they shall immediately comply with that request.

11. The consent holders structure shall not exceed 2.3 metres in height nor occupy an area greater than 3 m x 3 m unless specified. There shall be a gap between the façade of the street traders structure and the edge of the pavement of no less than 2 metres.

12. The consent holder must take adequate precautions to prevent the risk of fire at the stall. All hot food outlets 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 structures selling hot food.

13. All staff involved in the preparation of food shall hold a current level 2 food safety certificate that is accredited by the Chartered Institute of Environmental Health the Royal Society of Public Health and Hygiene or a certificate of attendance at a Level 2 Course run by Plymouth City Council.

14. A street trading consent cannot be transferred or sold to another person except that the consent may be transferred to a member of the Consent Holders immediate family in the event of the Consent Holders death or incapacity on payment of a fee. The sub-letting of a pitch is prohibited.

15. The Consent holder must be the principal operator and have day to day control of the stall. The Consent holder may employ any other person to assist in operating the stall and shall notify the Head of Environmental Services of the name and address of that person. An administration fee will be payable.

16. Anyone who operates a stall other than the Consent holder must be authorised by the Street Trading Manager.

17. A Consent holder may terminate a Street Trading consent by written notice to the Street Trading Manager. A refund of the portion of the fee equal to the remaining full months will be payable, less £50 which the council will retain to cover administrative costs.

18. Consent holders shall ensure that people with accessibility issues can still be served from the pitch.

19. 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.

20. Consent holders shall have and maintain a proper insurance policy against public liability and third party risks. The minimum level of insurance shall cover the operators vehicle (where applicable) or stall and any additional equipment under their control. If food is sold the insurance shall specifically include over cover against food poisoning to the same amount. The insurance certificate or cover note shall be produced to the Street Trading Manager before the Trading Consent is issued. Proof of cover must be produced to an office of Plymouth City Council as required.

21. These general conditions, which apply to all Street Trading in Plymouth, may be varied, having regard to a particular location. They are termed Special Conditions and are listed on the Consent Certificate. These special conditions must be complied with.

22. Consent holders must be aware that the trading location may be affected by temporary road closures or suspension of access to the trading location. This may be a result of organised events such as Lord Mayors Day, Firework Competition or Plymouth half marathon. Closure of the road and restrictive access may also be implemented due to roadworks or similar highways repair and improvements. In these circumstances, where trading is not possible, no refund of any consent fee will be made.

* To be determined by the Council on consideration of applications.