



Welwyn Hatfield Borough Council Street Trading Policy 2024-2029

Scope: Welwyn Hatfield Borough Council's policy on Street Trading.

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Author: Head of Regulatory Services

Policy Owned by: Executive Director, Resident Services & Climate Change

Statute: Local Government (Miscellaneous Provisions) Act 1982

National Standards and Guidance Not Applicable

Related Policies Environmental Health Enforcement Policy

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1.0 INTRODUCTION

1.1 The Policy

- 1.1.1 This document states Welwyn Hatfield Borough Council's, (to be referred to subsequently as WHBC) policy on Street Trading as defined by the Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and schedule 4).

1.2 The Objectives of this Policy

- 1.2.1 This Policy has been adopted with view to securing the following objectives:
- a) to enhance the town centres of Welwyn Garden City and Hatfield.
 - b) to protect public health through the control of street trading within the District of Welwyn Hatfield.
 - c) to ensure that traders operate within the law and act fairly in their dealings with the public; and
 - d) to prevent nuisance, unsafe practices, and anti-social behaviour.

1.3 The Law

- 1.3.1 The Local Government (Miscellaneous Provisions) Act 1982 (Section 3 and Schedule 4) provides the legal framework for the control of street trading in England and Wales. The legislative framework, however, is not an automatic entitlement and councils must formally adopt the legislation if they wish to regulate street trading in their areas.
- 1.3.2 WHBC has resolved to make all streets within Welwyn Hatfield consent streets. This measure comes into effect from TBC.
- 1.3.3 Street trading is defined as *"the selling or exposing or offering for sale of any article, including a living thing, in a street."*
- 1.3.4 Streets are further defined as *"any road, footway, beach, or other area to which the public have access without payment or any service area as defined by section 329 of the Highways Act 1990."*
- 1.3.5 WHBC issues street trading consents to traders who have made arrangements with owners of private land such as business car parks providing they have the landowner's permission. However, these traders still have to register with Environmental Health if they are providing food. WHBC will not be liable for any agreements/disputes between the landowner and the trader.
- 1.3.6 The main purpose of this legislation is to establish an appropriate licensing regime which prevents undue nuisance, interference or inconvenience to the public brought about by street trading. This legislation provides local authorities with the power (but not duty) to designate specific areas within their administrative boundaries as either:

- a) **Prohibited Streets:** those which are not open to street traders.
- b) **Consent Streets:** where street trading is prohibited unless it has been given local authority consent.
- c) **Licence Streets:** where trading is prohibited without a local authority licence.

1.3.7 Local authorities can place conditions on any Consent or Licence. The Act also creates offences associated with trading in Consent or Licence Streets without the necessary authority: the person guilty of such an offence may be liable, on conviction, to a fine not exceeding Level 3 on the standard scale. WHBC has not adopted street trading licences only street trading consents.

Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

1.3.8 There are a number of exemptions provided in the Act that are not to be considered street trading:

- a) trading as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871:
- b) a market trader operating at a Charter or licensed market venue.
- c) trading at a Charter Fair.
- d) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980
- e) trading as a news vendor selling only newspapers and /or periodicals:
- f) trading at a petrol filling station or as part of the business of a shop adjoining a petrol station.
- g) trading carried on in a street linked to an adjoining shop where the street trading is an extension of the shop's ordinary business.
- h) trading as a roundsman.
- i) where permission has been granted from the Highway Authority pursuant to Section 115 of the Highways Act 1980 to trade from an object or structure placed in, on, or over the highway.
- j) charitable street collections authorised by the Police, Factories, etc Miscellaneous Provisions) Act 1916.

1.4 Policy Duration

1.4.1 This Policy will take effect fromfor a maximum period of five years.

- 1.4.2 During this period and before the end of the five-year period, if significant changes are to be made a consultation will be undertaken with a view to publishing a new Policy to take effect no later than
- 1.4.3 The Policy may be amended as and when necessary to reflect changes in best practice, legislation, and case law.

2.0 DESIGNATION OF STREETS FOR THE PURPOSES OF STREET TRADING

2.1 Licence & Prohibited Streets

- 2.1.1 There are no licence or prohibited streets within Welwyn Hatfield Borough.

2.2 Consent Streets

- 2.2.1 All streets, with reference to the wide statutory definition in paragraph 1.3.6 above, within the borough of Welwyn Hatfield have been collectively determined to be consent streets for the purpose of the Local Government (Miscellaneous Provisions) Act 1982.
- 2.2.2 WHBC will monitor the impact of street trading on its consent streets with a view to promoting the objectives of this policy.
- 2.2.4 WHBC will take the following matters into account when deciding on whether a new street trading consent should be created.
- a) a significant effect on road safety would arise either from the siting of the trading activity itself, or from customers visiting or leaving the site; or
 - b) where there are concerns over the recorded level of personal injury accidents in the locality where the street trading activity will be sited; or
 - c) there would be a significant loss of amenity caused by traffic, noise, rubbish, potential for the harbourage of vermin, odour, or fumes; or
 - d) there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes; or
 - e) there is a conflict with Traffic Orders such as waiting restrictions; or
 - f) the site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes; or
 - g) the trading unit obstructs the safe passage of users of the footway or carriageway; or
 - h) the pitch interferes with sight lines for any road users, for example at road junctions, or pedestrian crossing facilities; or

- i) the site does not allow the Consent Holder, staff, and customers to park in a safe manner; or
- j) the street trading activity is carried out after dusk, and the site is not adequately lit to allow safe access and egress from the site for both customers and staff.

2.2.5 Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent. There will be no refunded fee where there has been a breach of the conditions or the consent and the licence is revoked.

2.3 Undesignated Streets

2.3.1 All streets are designated consent streets. New streets will become consent streets unless expressly designated as consent streets.

3.0 APPLICATIONS FOR A STREET TRADING CONSENT

3.1 How new applications will be decided.

3.1.1 Each application for a street trading consent will be decided based on the perceived need for the provision proposed, and with a view to balancing the needs of new and existing amenities. A consultation period of 28 calendar days will be observed, and a notice of consultation will be placed at the proposed site by the applicant, in a form and position prescribed by the Council.

Failure to advertise the application will lead to rejection of the application, and no refund of the application fee will be provided.

3.1.2 All new street trading consent application will be consulted on with other Council departments and external agencies as the Council determines appropriate.

3.2 Applications

3.2.1 All applications must be made on WHBC's prescribed application forms at Appendix A

3.2.2 The following will also be required to be submitted with the application:

- (i) A description and photograph of the container from which the proposed trading will take place. The description to include, size, colour, signage, method of transport, number of staff and products to be sold.
- (ii) Confirmation and evidence that adequate levels (at least 5 million pounds) of third party and public liability insurance is, or will be, in place during street trading activity.
- (iii) Where food is being sold, the applicant must also be a registered food business.

- (iv) Any trader selling food must achieve a minimum Food Hygiene Rating Score of [3] in order to be eligible for a consent. An existing consent may be revoked where the trader falls below this minimum rating of [3.]
- (v) Where a street trading consent or licence has previously been revoked, either by WHBC, or any other authority, WHBC may refuse an application for consent.

3.3 Processing of an Application

- 3.3.1 Once an application has been received and judged full and proper (correct application, supporting documentation and site applied for) the public consultation period of 28 calendar days will begin.
- 3.3.2 An officer may visit the applicant and inspect the vehicle, barrow, cart, van, portable stall or other vehicle or premises which the applicant intends to trade from.
- 3.3.3 Applications for street trading consents will be determined by a Licensing Officer. When a decision not to grant a street trading consent is determined, this will be notified to the applicant in writing.
- 3.3.4 WHBC may have regard to the number, nature and type of traders already trading within a consent area when determining an application.
- 3.3.5 A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.
- 3.3.6 There is no right of appeal against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

3.4 Consents

- 3.4.1 Consents may be issued for a period of up to twelve consecutive months, or quarterly if paid for in that manner.
- 3.4.2 All Consents that have not been renewed by their expiry date will automatically cease to exist and trading must cease until such time as a new Consent has been granted.
- 3.4.3 Once a Consent has lapsed for four weeks the pitch will be advertised as an available pitch open to applications from interested parties.
- 3.4.4 WHBC acknowledges that overly burdensome regulation and cost will discourage town centre community and cultural activity, particularly the requirement for each individual trader to obtain their own Consent. In order to encourage town centre activity. Therefore, WHBC have developed multiple user Consents that will simplify this process (see sections 3.5, and 3.6).

3.5 Town Centre Consents

- 3.5.1 WHBC may administer on behalf of our estates team consents that cover areas of land in our town centres that are suitable for street trading use. Each Town Centre Consent will be accompanied by a plan clearly identifying those areas covered by the consent. This will remove the need for each individual trader to obtain a consent as they can apply directly to the estates team for permission to trade and this should encourage town centre activity.
- 3.5.2 The consents can be issued for a maximum period of twelve months and will be to a named individual from the estates team at WHBC.
- 3.5.3 Town centre consent areas are decided by the council before the adoption procedure can be carried out for a consent street. This process is defined in the Local Government (Miscellaneous Provisions) Act 1982 Schedule 4 section 2.
- 3.5.4 Traders wishing to use the town centre consent will need to complete the multiuser application form at Appendix B and submit it to the estates team and must be age 17 or over.
- 3.5.5 The consent holder will be responsible for ensuring compliance with the conditions attached to the consent at all times whilst the consent is being used to facilitate street trading.
- 3.5.6 The consent holder, will be able to allow his/her consent to be used by commercial or not-for-profit organisations, however, no charge can be made for the use of the consent by not-for-profit organisations.
- 3.5.7 The consent holder will be required to keep records of all traders that use the Town Centre Consent including: date, trading location, name and company name (where appropriate), address, vehicle registration, and contact telephone number.
- 3.5.8 Applicants wishing to use the town centre consent will need to provide the following with their application.
- (i) A description and photograph of the container from which the proposed trading will take place. The description to include, size, colour, signage, method of transport, number of staff and products to be sold.
 - (ii) Confirmation that adequate levels (a minimum of 5 million pounds) of third party and public liability insurance is, or will be, in place during street trading activity.
 - (iii) Where food is being sold, the applicant must also be a registered food business.

- (iv) Any trader selling food must achieve a minimum Food Hygiene Rating of 3 in order to be eligible for a consent. The consent would be revoked where the trader falls below this minimum rating of 3.
- (v) Where a street trading consent or licence has previously been revoked, either by WHBC, or any other authority, WHBC may refuse an application for consent.
- (vi) There is no right of appeal against a variation of a condition, or refusal to grant or renew a Street Trading Consent.

3.5.9 The consent holder will be required to keep records of all traders that are refused use of the Town Centre Consent including, date, name and company name (where appropriate), address, contact number and reason for refusal. Town Centre Consents provide exclusive control over trading in the designated area by WHBC estates team.

3.6 Special Events / Markets / Temporary markets

3.6.1 If there are five or more stalls at any one time this constitutes a market and is therefore exempt from this policy.

3.7 Annual Consents with Quarterly Payments

3.7.1 WHBC acknowledge that the cost of an annual consent can sometimes prove prohibitive to new and small street trading businesses.

3.7.2 To assist such commercial activity WHBC may offer the grant of a twelve month Street Trading Consent, subject to quarterly fee payments in advance. This measure will be offered on a case by case basis and may require evidence or statements regarding their need.

3.7.3 Each consent will be issued for a three calendar month period upon the payment of the quarterly fee. Provided that the subsequent quarterly fees are paid prior to the expiry of each quarterly consent, a further consent for three calendar months will be issued until such time as the total consent period has reached twelve consecutive calendar months.

3.7.4 Once a consent period of twelve consecutive calendar months has been reached, a renewal application will be required which will be subject to the normal process of submitting a renewal application.

3.7.5 If the requirements of section 3.7.3 above are not complied with, the annual consent will automatically cease to have effect, save for exceptional circumstances at WHBC's written discretion, and no further trading in connection with that consent will be permitted until such time as a new Consent has been granted.

3.7.6 Once a consent has lapsed for four weeks the pitch will be advertised as an available pitch open to applications from interested parties.

4.0 CONSENT CONDITIONS

- 4.1 Any Street Trading Consent issued by WHBC from the adoption of this policy will be subject to the standard conditions detailed in **Appendix C** of this Policy.
- 4.2 In response to changing circumstances, WHBC may wish to add, alter, or amend the conditions on a trading Consent. Any amendments or variations to consents or conditions that are requested by consent holders must be made in writing. An administration fee will be charged to the consent holder for any amendments or variations made. There is no right of appeal against the WHBC's decision to refuse to grant, amend or vary a consent.
- 4.3 In the event of a breach of any of the conditions attached to a Consent, the Licensing Manager may revoke the consent forthwith. In the event of a revocation, WHBC will not be liable to pay any compensation arising from the revocation nor will the Consent Holder be entitled to a refund of any of the Consent fee.

5.0 ENFORCEMENT

- 5.1 It is recognised that well-directed enforcement activity by WHBC benefits not only the public but also responsible members of the trade.
- 5.2 In pursuing its objectives detailed in this Policy, WHBC will operate a proportionate enforcement regime in accordance with WHBC's Enforcement Policy.
- 5.3 The responsibility for the overall supervision of street trading lies with the Licensing Manager.

6.0 DEPARTURE FROM POLICY

- 6.1 In exercising its discretion in carrying out its regulatory functions, WHBC will have regard to this Policy document and the principles set out therein.
- 6.2 Notwithstanding the existence of this Policy, each application will be considered on its own merits based on the licensing principles detailed in this Policy.
- 6.3 Where it is necessary for WHBC to depart substantially from this Policy, clear and compelling reasons for doing so will be given in writing. The Executive Director may authorise a departure from the Policy in accordance with this section if he/she considers it necessary in the specific circumstances and will advise Councillors via the Executive Member for Licensing and Chair of the Licensing Committee.

7.0 AMENDMENTS TO THIS POLICY

- 7.1 Any significant amendment to this Policy will only be implemented after consultation with existing consent holders, relevant stakeholders, and the public. All such amendments to this Policy will be undertaken in accordance with the WHBC's Constitution. For the purpose of this section, any significant amendment is defined as one that is likely to have a significant:
- a) financial effect on licence holders, or;
 - b) procedural effect on licence holders, or;
 - c) effect on the community.
- 7.2 Any minor amendments to this Policy may be authorised by the Executive Director and undertaken in accordance with the WHBC's Constitution. For the purpose of this section, any minor amendment is defined as one that does not fall within the scope of a significant amendment defined in paragraph 7.1.

8.0 FEES AND CHARGES

- 8.1 The fees charged by this WHBC for Street Trading Consents should cover the reasonable cost of administering and enforcing the service.
- 8.2 The fees will be reviewed and approved on an annual basis and published on the WHBC's website.
- 8.3 Should the consent holder wish to vary the Consent at any time during the life of the Consent, an administration fee will be charged.
- 8.4 Where a trading consent is surrendered during the life of the Consent no refund will be made by WHBC.
- 8.5 At its absolute discretion WHBC may charge different fees for consents or products sold that are for different durations or locations, such as town centre consents. Not-for-profit organisations will be exempt from application fees.

9.0 DEFINITIONS

TERM	DEFINITION
Authorised Officer	an officer of WHBC authorised by it to act in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.
Consent	a consent to trade on a street granted by WHBC, pursuant to Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.
Consent Holder	the person or company to whom the consent to trade has been granted by WHBC.

Consent Street	a street that is not prohibited from street trading with the consent of WHBC.
Executive Director	the current post holder overseeing the Licensing Service or any nominated Deputy authorised by the WHBC's Scheme of Delegation
Executive Member (Portfolio Holder)	for the Elected Member responsible for Licensing (or the appropriate Environmental Health Service Area following any subsequent restructure), who is a member of Cabinet.
Street	includes: 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 and also includes any part of a street.
Street Trading	the selling or exposing or offering for sale of any article (including a living thing) in a street.
WHBC	Welwyn Hatfield Borough Council

Version no.	1.0	Date reviewed:	
Full / partial review?			
Brief summary of changes:			
Staff consultation (teams):			
Approved by:			

Appendix A

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Appendix B

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Appendix C.

STANDARD CONDITIONS APPLICABLE TO STREET TRADING CONSENTS

General

These Standard Conditions will apply to all consent unless disapplied or varied by the Head of Public Health and Protection in writing.

Standard Conditions

1. The Consent granted by the Council is personal to the Consent Holder. Multi user Town centre consents are managed by the consent holder who may permit multiple approved users.
2. The Consent is non-transferable and is applicable to the consent holder only and it will relate to a specific stationary van, cart, barrow or other vehicle or moveable stall which has been approved by the Council in writing. Town centre consents will be used for multiple traders approved by the Councils town centre teams.
3. The consent holder shall not assign, underlet or part with his/her interest under this consent.
4. Any van, vehicle, barrow, cart or stall must be maintained in a neat, tidy and safe condition and comply with all relevant legislation (vehicle tax/MOT/insurance etc).
5. The Consent Holder shall not use the street for any trading purpose other than the purpose as permitted by the Consent and then only at the specified location during the permitted hours and days.
6. Only those goods or services specified on the consent may be sold or offered or exposed for sale on the street trading consent pitch.
7. Unless specified otherwise in the Consent, the van, vehicle, barrow, cart or stall, including any permitted temporary furniture and advertising, shall be removed from the Consent site at the end of each day's trading without causing any damage.
8. Any temporary furniture (for example, tables and chairs at food vending vans) or temporary advertising material (such as 'A' boards or other signage) will only be permitted at, or in the vicinity of, the van, vehicle, barrow, cart or stall if specified on the Consent with prior written approval by the relevant authority.
9. The Consent Holder shall ensure that no advertisements relating to the activities permitted by the Consent are placed or affixed to any structures on the highway or highway land (including street furniture, road signs and grass verges). Any advertisement on private land must have prior written permission from the

landowner, and planning permission where applicable, proof of which must be provided to the Council in writing prior to the advertising being positioned.

10. The Consent Holder shall not cause any obstruction of the street or cause danger to any persons using it and shall not do anything, or permit anything to be done, which, in the opinion of an Authorised Officer of the Council, may be deemed a nuisance or annoyance or danger to any member of the public.

11. Traders shall not allow any obstruction to fire hydrants, manholes or other street furniture etc, resulting from their business.

12. The trader must not cause or allow to be caused any damage to the street surface, street furniture, lighting and landscaping within the permitted area and will be responsible for making good any such damage or payment for works in default. The Council reserves its right to recover any costs associated with remedying any breach of these terms and conditions.

13. The Consent Holder shall not directly or indirectly hawk, tout or solicit custom for or advertise by way of handbill, public address system or otherwise seek to attract attention or custom by shouting. Neither shall the consent holder make undue noise by permitting the playing of music, music re-producing or sound amplification apparatus or any musical instruments, radio or television sets whilst trading under this Consent, other than as specified in the Consent.

14. The Consent Holder shall maintain the area in the vicinity of any van, vehicle, barrow, cart or stall specified within the Consent in a clean and tidy condition at all times.

15. The Environmental Protection Act 1990 places a duty of care on individuals and businesses to dispose of waste originating from their trade in a certain manner. The Consent Holder shall ensure that 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 each day's trading. No water or waste material shall be discharged on to the highway or any adjacent property.

16. The Council may remove and store or dispose of any furniture, equipment, advertisement or other structure placed on the street by the Consent Holder, or any person acting on behalf of the Consent Holder, that is not authorised by the Consent or has not been authorised in writing by the Council. The Council shall not be responsible to the Consent Holder for the safe keeping of any furniture, equipment, advertisement or other structure and may levy reasonable charges for the removal, storage and/or disposal thereof. If property comes into the possession of the Council after being found on buildings or premises owned or managed by the Council then section 41 of the Local Government (miscellaneous provisions) Act 1982 will apply

17. A copy of the Consent must be carried by the Consent Holder, or any person.

acting on behalf of the Consent Holder, at all times whilst trading and must be produced on demand when required by a Police Officer or an Authorised Officer of the Council.

18. Traders/trader assistants must report the loss of a consent notice to the Councils licensing team within 72hrs of losing it.

19. The Consent Holder shall display a suitable sign stating his or her name and trade. The sign must be approved in writing by an Authorised Officer of the Council.

20. The Consent Holder and his/her employees or assistants shall wear suitable clothes appertaining to the trading undertaken and maintain a professional appearance at all times.

21. Traders/trading assistants must not trade under the influence of any illegal or intoxicating substance. Any traders found with illegal substances on their pitch or on their stall, barrow, cart etc. will have their consent revoked.

22. The Consent Holder shall notify the Head of Regulatory Services, Public Realm in writing at Council Offices, Campus East, The Campus, WGC AL8 6AE of any criminal convictions or other legal proceedings arising out of the use or enjoyment of the Consent within 72 hrs.

23. The Consent Holder shall carry public liability insurance of not less than £5 million pounds, evidence of which shall be supplied to the Council prior to the grant of the Consent.

24. Traders selling food products, shall comply with all current food safety legislation including the provisions of the Food Safety Act 1990 and all subsequent act or amendments.

25. All food handlers must have attended as a minimum 'level'1 Food Hygiene training within the past five years. Evidence of food hygiene training must be available for examination by an Authorised Officer of the Council at any time the unit is trading.

26. In the case of food vending vans, vehicles, barrows, carts, or stalls, at least one person involved in the preparation and sale of food must hold a current Level 2 food safety certificate accredited by the Chartered Institute of Environmental Health, or an equivalent qualification, and must be present at the site during all trading hours.

27. The Consent Holder must take adequate precautions to prevent the risk of fire at the van, vehicle, barrow, cart or stall. All hot food vendors are required to comply with current fire safety legislation. Where gas cylinders are used, an annual gas safety certificate is required to ensure the safety of all gas cooking and heating equipment.

28. A serviceable fire blanket and foam fire extinguisher shall be provided at all vans, vehicles, barrows, carts or stalls using any form of power.

29. Fabrics or other sheet materials used in the construction of the stalls, roof coverings, drapes or awnings shall be rendered flame retardant and maintained in that condition.

30. No heat producing equipment shall be used without the prior written express permission of the Council.

31. Liquefied petroleum gas shall not be used without the express permission of the Council and any installations must be in accordance with the current code of practice.

32. No generators shall be used without the prior written express permission of the Council and will be placed in a position where they do not present a danger or nuisance.

33. A suitably qualified person must install all generators and documentation must be provided to show that the generators have been maintained in accordance with the manufacturer's instructions.

34. No fuel may be stored in the vicinity of a generator and generators must not be filled up during the trading time.

35. All hot food vans, vehicles, barrows, carts or stalls are required to carry a basic first aid kit. The Consent Holder and hot food vendors should know how to give first aid to treat victims of cuts and burns. All hot food vans, vehicles, barrows, carts or stalls should have access to a minimum of one mobile telephone that must be serviceable at all times whilst trading.

36. With the exception of Town Centre Consents, Special Events and Market Consents, the Consent Holder must be the principal trader and have day to day control of the van, vehicle, barrow, cart or stall. The Consent Holder may employ any other person to assist in operating the van, vehicle, barrow, cart or stall and shall notify the Council of the name and address of such persons.

37. The Consent Holder shall permit the Council, or any other statutory body, to have access to the area designated within a Consent at any time without notice for any purpose whatsoever including, but not limited to, carrying out works to the highway or private land, or inspecting the same, or otherwise.

38. The Council may revoke the Consent at any time.

39. The Consent Holder will return the Consent to the Council immediately upon revocation or surrender.

40. In the event of the Consent being surrendered or revoked before the expiry date, any refund will be at the discretion of the Council as considered appropriate and proportionate.

41. The Council may at any time vary these Conditions without notice.

42. If the trader wishes any of the terms of the consent to be varied application must be made in writing to the council in accordance with the statutory requirements.

43. Failure to comply with any conditions attached to the Street Trading Consent may result in the revocation of such consent. If the consent is revoked the person issued with the consent shall have no claim against the council.

44. The Council may revoke this consent at any time and the Council shall not in any circumstances whatsoever be liable to pay any compensation to the holder in respect of such revocation.

45. Revocation will be authorised by the Head of Regulatory Services, Public Realm, documenting the reason for the revocation but there is no appeal process.

46. Once revoked the consent is no longer valid so any further street trading would be illegal and subject to enforcement proceedings.

Additional Conditions for Static Pitches

1. Any van, vehicle, barrow, cart or stall shall only be positioned within the designated area as outlined on the plan attached to the Consent.

2. Nothing contained herein shall be construed as the grant or purported grant by the Council of any tenancy protected by the Landlord and Tenant Act 1954, or any permission under the Town and Country Planning Act 1990, or any statutory modification or re-enactment thereof for the time being in force.

Additional Conditions for Town Centre Consents

1. The Consent Holder will be responsible for ensuring compliance with all consent conditions at all times when the consent is in use.

2. The Consent Holder may make the charges outlined in Appendix D payable to licensing at Welwyn Hatfield Council for the administration of the consent until such time as the threshold is reached. (Appendix D). Once the threshold is reached any additional fees will remain with the Town Centre Team to facilitate future events.

3. The Consent Holder may not make any charge for the use of a Town Centre

Consent by organisations or individuals using the Consent for registered charitable or not-for-profit purposes. In these cases there is no requirement to pay the licensing fee.

4. The Consent Holder must keep records of each stallholder that uses the Town Centre Consent, to include:

- date of use;
- location of stall and/or pitch number;
- name and company/organisation name;
- trader's home address;
- trader's vehicle registration; and
- trader's contact telephone number
- Date of birth (17 and over only)

5. The multi-use consent holder must keep records of each stallholder that is refused use of the Town Centre Consent, to include:

- date of proposed use;
- location of proposed stall;
- name and company/organisation name;
- trader's home address;
- trader's contact telephone number; and
- reason for refusal

6. In determining whether or not to allow an individual or organisation the use of a Town Centre Consent, the Consent Holder must make his/her determination in accordance with the principles contained within paragraph 3.5 of the Street Trading Policy.

Appendix D.

Fees & Charges

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