

Allocation of
STREET TRADING CONSENTS
For the sale of
ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS
PLYMOUTH HOE SEAFRONT AREAS AND JAMES STREET
DEVONPORT

Cliff Road
Hoe Road
Madeira Road
Pier Street
James Street



Summer consent 31st March 2010 to 19th September 2010
Winter consent 20th September 2010 to 30th March 2011

Kathy Davey
City Centre Operations (&Street Trading) Manager
Floor 11
Civic centre
Armada Way
Plymouth.
PL1 2AA

APPLICATIONS FOR CONSENTS

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

Any person aged seventeen years or over may apply for a Consent. Each trading location must be applied for individually. Applicants may however submit individual applications for all the locations or as many of them as they are willing to trade from using the same application form. If the number of acceptable applications is greater than the number of consent locations only one consent location will be allocated per applicant. Applicants can indicate their order of preference by numbering the sites from 1 (most preferred) to 8 (least preferred).

Your application should be accompanied by the following items:

- (a) 2 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.
- (b) 2 passport size photographs of the applicant(s) and any named assistants.
- (c) A copy of yours and named assistants' Food Hygiene Certificates.

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 in writing on the form provided and **enclosed together with photographs/certificates** and posted direct to Kathy Davey, City Centre Operations (&Street Trading) Manager, Plymouth City Council, Floor 11, Civic Centre, Armada Way, Plymouth, PL1 2AA.

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

IF YOU HAVE ANY ENQUIRIES PLEASE CONTACT:

Kathy Davey,
City Centre Operations (&Street Trading) Manager
Tel: 01752 304054
Mobile; 07917264611
e-mail: kathleen.davey@plymouth.gov.uk

CITY OF PLYMOUTH

ALLOCATION OF STREET TRADING CONSENTS HOE SEAFRONT AREAS AND JAMES STREET, DEVONPORT

For the sale of

ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS

The Council is inviting applications for the allocation of Street Trading Consents for the sale of ice cream, frozen confectionery and cold soft drinks from valuable trading locations in the Hoe Seafront areas and James Street Devonport, of the City for the period 23rd March 2009 to 21st March 2010

TRADING LOCATION

7 Street Trading Consents are available in the Hoe Seafront area and one at James Street Devonport, details of which will be found on the accompanying schedule and location plans. Each location will be allocated to a specific trader under the provisions of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982. It is a criminal offence carrying a maximum fine of £1,000.00 for any person to trade from these areas or elsewhere within a consented street without the specific permission of the Council. All of the consent locations are for one sales unit.

PERMITTED TRADES

All of 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.

METHODS OF TRADING

Consent holders will be required to provide and operate from their own purpose built or specially adapted, completely self contained sales unit (e.g. a motorised van, towed road trailer or hand trolley) of a design and appearance acceptable to the Council. Applicants are required to submit full details of their trading unit with the application form and including 2 colour photographs. Prior to the confirmation of the grant of a trading consent the sales unit must have been inspected by an officer authorised by the Council's Public Protection Service and must meet at least the minimum standards of the relevant food and health and safety legislation

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.

FOOD HYGIENE TRAINING

All Consent holders and any permitted employees must have received formal food hygiene training to a minimum of level 2 Award in Food Hygiene in catering within 5 years of the expiry date of the Consent or an equivalent certificate in food hygiene refresher training within 3 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.

RESTRICTION OF ACCESS TO TRADING LOCATIONS

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 Festival, 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.

TERMS AND CONDITIONS OF CONSENT

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 in the attached specimen Consent. These terms and conditions must be strictly complied with and any breach could result in a trader's consent being withdrawn. Applicants are strongly advised to carefully read the full terms and conditions of the proposed Consent before applying. The following paragraphs highlight some points of particular note not covered elsewhere in these details.

- CONSENT:** Two consents will be issued for each trading location. The first will be for the period
- FEES:** The first Consent (Summer) from 31st March 2010 to 19th September 2010 and the second Consent (winter) for the period 20th September 2010 to 30th March 2011. The fee for the first Consent will be payable in three instalments, the first before the Consent is issued and the second on or before 1st June 2010 and the third on or before 1st August 2010. The fees are inclusive of any business rates that may become payable. Applications may only be for both periods. Details of the consent fees will be found on the application form.
- TRADING:** Traders (called the Consent Holder in the specimen Consent) will be only authorised to trade from the specific street or part of a street (Consent Location) allocated to them. In most instances the Consent applies to only one side of a street and may not be continuous. Traders must NOT stray outside their allocated Consent area.
- Trading can only take place if there is room to park the sales unit at that particular time somewhere within the Consent location. No parking bays or other parking space will be reserved specifically for the sales unit. **If the Consent location is full there is no right to trade anywhere else.** The ability to trade is also subject to any road closure, temporary or otherwise, that may prevent access to the Consent location or the suspension of any of the parking bays or other parking restrictions.
- Trading must always take place in a safe manner. Wherever possible 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
- A trader may only sell the goods for which the Consent has been granted i.e. ice cream, frozen confectionery and cold soft drinks. 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.
- Only the sales unit(s) applied for in the application and subsequently inspected and approved by the Council may be used by traders at their Consent location without further written permission from the Council.
- Traders must not use more than ONE sales unit at the Consent location at any time.
- Traders may trade at their discretion within the permitted hours of 8.00 a.m. to 10.00 p.m. (or dusk whichever is earlier) Sundays included.
- The sales unit must not be brought onto the Consent location before 7.45 a.m. and must be removed immediately following the close of business on the same day. The sales unit cannot be left at the Consent location overnight.

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.

PERMITS: Traders and any approved employees will be supplied with identification Consent Permits which must be displayed at the sales unit at all times when trading. A maximum of four permits will be supplied free of charge with further permits costing £15. Apart from the initial permits issued with the Street Trading Consent, requests for permits must be made in writing and will be available for collection within three clear working days (Mon to Fri).

PARKING RESTRICTIONS: Traders may use any of the “Pay and Display” car parking bays within the allocated consent location for parking the sales unit without payment of the parking fees or being subject to the time restriction. This does not extend to any additional vehicles that may be used in conjunction with the sales unit and also does not apply at all spaces reserved for the use of disabled motorised.

Apart from the above, traders will be bound by parking regulations that apply to their type of vehicle in the same way as any other motorist. You will NOT be able to trade from any part of a street where or when parking is prohibited or is restricted to specified types of vehicles and elsewhere (apart from the use of the “Pay and Display” parking bays) you will be subject to any parking time limits.

LITTER: Great importance will be placed on the control of the 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 from the trader’s premises must not be permitted to drain onto the public highway. Suitable arrangements must be made for the collection and disposal of waste produced by the trading activities.

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

NUISANCE: Traders must not conduct their business in such a way, or otherwise be a nuisance to other persons or obstruct the street. The use of radios or amplifying equipment will not be permitted.

ADVERTISEMENT: No free standing advertisements or placards will be permitted on the pavement or carriageway outside of the sales unit.

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

PUBLIC LIABILITY INSURANCE: Every trader must hold valid public liability insurance in the sum of at least £5,000,000 (5 million) 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 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's Licensing Panel 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 second or third instalment of the Consent Fee will result in the immediate withdrawal of a Consent.

Consent holders may themselves at any time surrender a Consent which is no longer required.

Upon surrender or revocation of the Consent the Council will remit or refund as it considers appropriate the whole or a part of the Consent fee. (The maximum remission or refund in respect of the period 20th September 2010 to 30th March 2011 (inclusive shall be £10).

SPECIMEN

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SECTION 3 SCHEDULE 4

STREE TRADING CONSENT

For the sale of

ICE CREAM, FROZEN CONFECTIONERY & COLD DRINKS

Consent is hereby given to (the Consent Holder)

To sell retail ice cream, frozen confectionery and cold soft drinks from the Consent location described in the schedule below and identified on the plan attached hereto in the Consent Street of (SITE) in the City of Plymouth between 8.00 am and 10.00 pm, or dusk if earlier.

Date this

D Jenkins-Evans
Legal Services Manager
City of Plymouth

SCHEDULE

Details of Consent Locations: _____

Approved Sales unit(s): _____

Consent Fee: _____

INSTALMENT	AMOUNT £	DATE PAYABLE
1 st Instalment		
2 nd Instalment		
3 rd Instalment		

Signed: _____

Dated: _____

If YES please give the name and address of the Ice Cream manufacturer/supplier/operator:

• **Yes:**

• **No:**

Previous trading experience if any:

(Please include details of any street trading consents you hold or have held within the last 3 years with the name and address of a contact within the local authority(ies) concerned):

Are you or any proposed assistants currently in breach of any food hygiene regulations at other premises or have been convicted of such an offence within the last three years?

• **Yes:**

• **No:**

If YES please provide full details on separate sheet of paper.

Food Handling experience: Have you and any named assistants attended and completed an approved basic food handling course within the last 5 years? (Please attach a copy of certificates).

• **Yes:**

• **No:**

If **No** please say why you will not be trading in person, the extent of any 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 names and address of the persons 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 all this on a separate sheet.

Names and addresses of 2 trade or characters referees: (not required if re-applying from 2009/2010)

CITY OF PLYMOUTH

**STREET TRADING CONSENTS
ICE CREAM, FROZEN CONFECTIONERY & COLD SOFT DRINKS**

PLYMOUTH HOE SEAFRONT AREAS AND JAMES STREET DEVONPORT

CONSENT SITES: (See the "Schedule of Consent Location" enclosed)

SITE	Consent Fee SUMMER £ Subject to confirmation	Consent Fee WINTER £	Order of preference
B - Madeira Road	4,026	10	
C - Madeira Road	2,272	10	
E - Hoe Road	10,457	10	
F - Hoe Road	10,457	10	
G - Hoe Road/Grand parade	5,008	10	
H - Pier Street	1,191	10	
I - Cliff Road	966	10	
J - James Street, Devonport	793	10	

Please indicate the sites in which you are interested and your order of preference by placing a number from 1 (most preferred) to 8 (least preferred) site. Applications may only be made for both periods.

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

Photographs: two passport size photographs each of yourself and any named assistants must be attached to this application form together with 2 recent photographs of your sales unit(s).

Signed: _____

Dated: _____

STREET TRADING, THE HOE & SEAFRONT AREA

Schedules of Consent Location

REFERENCE LETTER	STREET	NO OF SALES UNIT	LOCATION
B	MADEIRA ROAD South Side East of The Royal Corinthian Yacht Club	1	15 Pay and display parking bays between west end of low wall separating pavement and carriageway and east end of restricted parking area outside Yacht Club.
C	MADEIRA ROAD South Side Hoe Road end	1	15 pay and display bays between pay and display ticket machines Nos.113 and 114
E	HOE ROAD South Side West of Plymouth Dome	1	10 pay and display parking bays west of the Disabled Drivers Parking Bays at western end of Plymouth Dome.
F	HOE ROAD South Side East of Bull Ring	1	4 pay and display parking bays east of the bus stop and 6 pay and display parking bays east of carriage restriction.
G	HOE ROAD/GRAND PARADE South Side West of the Bull Ring and adjacent to the Waterfront	1	6 Pay and Display parking bays starting with and to the west of the 8 th parking bay west of the motor cycle parking area opposite the Octagonal Kiosk. 20 pay and display parking bays between the south west end of the bus stop opposite Pier Street and the footpath to Rusty Anchor
H	PIER STREET	1	All pay and display parking bays not solely reserved for the permit holders.
I	CLIFF ROAD	1	All pay and display parking bays not solely reserved for permit holders.
J	JAMES STREET	1	From the locking bollard at the top of pedestrianised area of James Street to the Junction of Prospect Row where and when parking restrictions allow.